



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 7698-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 14 January 2026. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies.

The Board determined that your personal appearance with or without counsel would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your naval record reveals that you enlisted in the Navy and commenced active duty on 24 October 1969. On 21 March 1973, Petitioner you received nonjudicial punishment (NJP) for unauthorized absence. On 16 May 1973, you received NJP, again for unauthorized absence. On 10 July 1973, you received NJP for disrespect to a commissioned officer, disobedience of a lawful order, and using provoking words toward a commissioned officer. Your performance evaluation covering the period March to August 1973 states that you continued to experience difficulty in keeping out of trouble and responding properly to authority. It also stated that you had a hard time adjusting to Navy life and that you were "not recommended for reenlistment or extension." On 25 October 1973, you were discharged at the completion of your service and assigned an Honorable characterization of service. As set forth in your performance evaluation, you were not recommended for reenlistment.

In your application to this Board, you request to have your discharge changed to a medical disability retirement. In support of your request, you assert that you incurred post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), and issues concerning your gums, brain, eyes, and intestines while you were on active duty. You further aver that your injuries were caused by sea duty in severe weather conditions as well due to punishments, sea sickness, and jumping. In addition, you provided several rating decisions from the Department of Veterans Affairs (VA) in support of your request as well as a variety of medical and service record documents.

The Board carefully reviewed your contentions and the material that you submitted in support of your request and it disagreed with your rationale for relief. The Board analyzed whether you should have been placed into the Disability Evaluation System (DES) and reviewed by the PEB while you were in service. Here, the Board determined that you provided insufficient evidence that there was an error or injustice in the fact that you were not so referred to the DES while in service. In reviewing evidence of errors or injustice with respect to disability retirements, the Board observed that, in order to qualify for military disability benefits through the DES with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. In addition, the Board also applies a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties.

In light of the foregoing standards, the Board observed that your naval records do not reflect any indication that, while you were in service, there was any error in the fact that you separated from the Navy at the expiration of your enlistment. In fact, naval records reflect that the reason you were not recommended for reenlistment was due to your difficulty in keeping out of trouble and responding to authority and not for any perceived medical or mental health concern. Further, the Board noted that your available naval records do not contain, nor have you provided, any information that would suggest you were medically unfit for further service. For example, there are no records reflecting, and you provided none, that anyone in your chain of command or any medical providers recommended that you be referred to be reviewed by a Medical Evaluation Board (MEB) for potential referral into the Disability Evaluation System (DES). All of this information is inconsistent with a service member that was potentially unfit medically for continued service. In reviewing all of the materials that you provided, the Board considered that you provided several documents from the VA. With respect to these documents, the Board observed, at the outset, that post-service VA findings are not generally persuasive because the VA does not make determinations as to fitness for service as contemplated within the service DES. In addition, upon its review of the VA documents that you provided, such documents did not provide any indication that tended to show that you were potentially medically unfit while you were in service from 1969 to 1973. Similarly, the Board was unable to discern any potentially unfitting conditions from the medical records that you provided from your time in

service. Accordingly, the Board found that you provided insufficient evidence to overcome the presumption of regularity that you were fit to serve through the end of your obligated service. In conclusion, in its review of all of the evidence, the Board did not observe any error or injustice in your naval records. Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

1/26/2026

