



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

██████████  
Docket No. 8448-25  
Ref: Signature Date

████████████████████  
████████████████  
████████████████████

Dear ██████████

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 request on 13 August 2025. The names and votes of the members of the panel 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.

A review of your record revealed that you enlisted in the Navy and commenced active duty on 9 September 2019. While you were in service, you were reviewed by the Physical Evaluation Board (PEB) and determined to have an unfitting condition. On 28 September 2021, you were discharged with severance due to disability.

In your petition, you request that your naval record be corrected to reflect that you received a medical disability retirement. In support of your request, you asserted that, after you were discharged from the Navy due to a disability, with severance pay, you were awarded a 60% combined disability rating from the Department of Veterans Affairs (VA), based on a variety of service-connected disabilities incurred during your active duty service. In support of your request, you provided a written statement and your VA Rating Decision.

The Board carefully reviewed your contentions and the material that you submitted in support of your request for reconsideration, and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that it 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 your case, the Board was unable to find sufficient evidence demonstrating that the PEB was in error when assigning you disability rating that resulted in your separation from service with severance pay<sup>1</sup>. Further, the Board was unable to find the existence of any injustice in your separation from service. In its careful review of your post-service documentation from the VA, the Board did not find such documentation to be persuasive, because the Board observed that the VA does not make determinations as to fitness for service as contemplated within the service disability evaluation system<sup>2</sup>. Rather, eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated. Accordingly, the Board determined that you provided insufficient evidence to overcome the presumption of regularity inherent in the finding of the PEB and your consequent separation from service with severance pay.

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,

8/29/2025

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<sup>1</sup> The Board noted that your PEB referred disability conditions to the VA resulted in a combined 20% rating.

<sup>2</sup> While you were rated for several additional service connected disability conditions that form the basis for your combined 60% VA rating, only the two PEB referred disability conditions were deemed unfitting by the PEB.