



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

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Docket No. 8725-25
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 request on 27 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.

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 record reveals that you began a Navy officer candidate program on 22 September 2021. On 22 November 2021, the medical unit at Officer Training Command, █, issued findings that you were Not Physically Qualified due to an Invertebral Disc Displacement. On 9 December 2021, you were disenrolled from the officer candidate program and issued a Certificate of Release or Discharge from Active Duty (DD Form 214). Post-discharge, the Department of Veterans Affairs (VA) awarded you a 60% service connected disability due to intervertebral disc syndrome (40%), lower left extremity radiculopathy (20%) and right lower extremity radiculopathy (20%).

In your application, you request to your discharge from an officer candidate program be changed to reflect you received a medical discharge. In support of your request, you contend that you

were medically disqualified from service due to a service-connected medical condition. You further assert that, post-service, the VA has recognized the service-connected nature of your condition and has assumed responsibility for your future treatment. You explain that your current Certificate of Discharge or Release from Active Duty (DD Form 214) does not reflect the true nature of your discharge because it indicates a failure to complete an Officer Training Program but it does not specify the reason for failing to complete the Officer Training Program. Thus, according to your application, upgrading your discharge to signify the medical nature would more accurately represent your discharge because your discharge was not voluntary but rather was due to medical disqualification.

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. 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 considered your contentions and determined that the material and arguments you provided in support of your request were insufficient to overcome the presumption of regularity that the personnel who processed your discharge properly discharged their duties. Further, with respect to your reliance on post-service findings by the VA, the Board observed that the VA is a separate organization that makes its own determinations concerning service connection, and it does not make findings relating to the applicability of Navy personnel regulations or instructions with respect to the discharges of personnel. Thus, the Board found your reliance on such VA findings to not be persuasive. Finally, the Board considered the 22 November 2021 NPQ findings that indicated an expected recovery period of six to eight weeks. Therefore, the Board determined you were appropriately discharged, at the convenience of the government, for failing to complete your course of training due to a physical condition, not considered a disability. Accordingly, given the totality of the circumstances, the Board determined that 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,

9/9/2025

