



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 10128-25
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 petition on 4 March 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.

A review of your naval record reveals you enlisted in the Marine Corps and commenced active duty on 8 September 2008. While you were in service, you were placed into the Disability Evaluation System (DES) and reviewed by the Physical Evaluation Board, which found you to be unfit and placed you on the temporary disability retired list (TDRL) with a 50% disability rating. While you were on the TDRL, you were subject to periodic physical examinations (PPE). You were found to have improved to a 10% disability rating and, therefore, on 21 April 2017, you were removed from the TDRL and discharged with severance pay.

In your application, you request to have your naval record corrected to reflect that you were transferred to the permanent disability retired list (PDRL). In support of your request, you contend that you were transferred to the TDRL and then later rated by the Department of Veterans Affairs (VA) as "Permanent and Total," and that you need to your records to reflect you are on the PDRL so that you can receive Tricare. You provided a letter from the VA describing that it found you to have a 100% service disability rating.

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. Here, the Board determined that you provided insufficient evidence to overcome the presumption of regularity. As noted above, the Board's review of your naval records, to include your record before the PEB, revealed that you were not in fact transferred to the PDRL by the PEB. Rather, you were found to have a 10% unfitting disability rating and discharged with severance. The Board considered the VA disability rating document that you provided, but noted that the VA is a separate organization from the PEB and its post-service findings does not equate to a transfer to the PDRL by the Department of the Navy. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting a change to your record. 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,

3/24/2026

