



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

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Docket No. 10320-25
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 11 February 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, to include the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo) as well as the 4 April 2024 guidance from the Under Secretary of Defense for Personnel and Readiness relating to the consideration of cases involving both liberal consideration discharge relief and fitness determinations (Vazirani Memo) (collectively the "Clarifying Guidance").

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined 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 Marine Corps and commenced active duty on 11 June 2007. On 22 June 2015, you completed required active service and were assigned an Honorable characterization of service and an RE-1A reentry code, which meant that you were eligible for reenlistment.

In your application to this Board, you requested to have your discharge due to completion of required service changed to a service disability retirement. In support of your request, you argued that, post-service, you were awarded a variety of service connected disabilities by the

Department of Veterans Affairs (VA). Specifically, you have assert that, “the record of my service-connected disabilities shows conditions such as migraine headaches (50% disabling) and post-traumatic stress disorder (50%), among others, demonstrating that multiple severe conditions were present at discharge.”

The Board carefully reviewed your contentions and the material that you submitted in support of your request and 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. Further, the Board also considered the Clarifying Guidance and followed the Vazirani Memo. Thus, it first applied liberal consideration to your assertion that your mental health condition potentially contributed to the circumstances resulting in your discharge to determine whether any discharge relief is appropriate. After making that determination, the Board separately assessed your claim of medical unfitness for continued service due to your mental health condition as a discreet issue, without applying liberal consideration to the unfitness claim or carryover of any of the findings made when applying liberal consideration.

Thus, the Board began its analysis by examining whether your mental health condition actually excused or mitigated your discharge. On this point, the Board considered that you were diagnosed by the VA, post-service, to have PTSD. Therefore, for the purposes of application of the Clarifying Guidance, the Board considered this diagnosis in deciding whether discharge relief is appropriate in your case. Despite its application of special and liberal consideration to your request, the Board was unable to find an error or an injustice in your discharge and its characterization. Specifically, you were separated at the completion of your required service and you were assigned an Honorable characterization of service as well as an RE-1A reentry code. Your reentry code indicates that at the time of your separation from service, you were considered fully qualified for reenlistment. As a result, in light of the foregoing, the Board found there was no relief that it could provide you with respect to the basis and description of your discharge.

After making that determination, the Board then separately assessed your claim of medical unfitness for continued service due to a mental health condition as a discreet issue, without applying liberal consideration to the unfitness claim or carryover of any of the findings made when applying liberal consideration. 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, as noted above, 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 were allowed to separate at your end of obligated active service. In that regard, the Board noted that your available naval records do not contain, nor have you provided, any information that would suggest you were unfit for further service. For example, your available records did not contain, nor did you provide, any documentation reflecting that medical professional or anyone in your command considered you should be referred for review of fitness by a Medical Evaluation Board. In fact, the available records demonstrate that not only were you fit for service at the time of your separation, you were assigned a reenry code that allowed you to reenlist, which is inconsistent with being unfit for further service.

Further, the Board found your reliance on your upon such post-service findings by the VA granting you service connected disabilities to not be persuasive because the Board noted that the VA does not make determinations as to fitness for service as contemplated within the service disability evaluation system. 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 found that you provided insufficient evidence to overcome the presumption of regularity that you were fit to serve within the meaning of the DES through the end of your obligated service. In conclusion, in its review and liberal consideration of all of the evidence and its careful application of the Clarifying Guidance, the Board did not observe any error or injustice in your naval records. 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,

2/24/2026

