



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

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Docket No. 10334-25
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.

A review of your record shows that you enlisted in the Marine Corps and commenced active duty on 7 February 2017. During your service, you were placed into the Disability Evaluation System (DES) for review of your fitness. On 8 February 2018, you were found unfit by an Informal Physical Evaluation Board (IPEB) due to a left shoulder condition with a 20 percent disability rating. On 13 February 2018, you accepted the findings of the IPEB. On 30 March 2018, you were separated with severance due to your disability.

In your petition, you requested to have your service disability rating increased to 30% and to correct your record to reflect that you received a medical retirement based on conditions that were related to your unfitting condition (Category II conditions). In further support of your request, you cite the legal case *Springs v. Del Toro*. You further asserted that, at the time of your separation, the IPEB identified Category II conditions (left shoulder instability and muscle weakness) that contributed to your unfitness, these Category II conditions were not rated, and the Department of Veterans Affairs (VA) later awarded you three separate 20% ratings for left shoulder issues. You argue these findings support that the conditions were present and ratable at separation. You also provided a portion of a letter entitled "Case Review Pursuant to the Voluntary Remand in the case of *Springs v. Del Toro*." According to that document, "[a]fter a

thorough review of your PEB record and findings, and for the reasons set forth in the attached document, it has been determined that **you are not entitled to relief**. Therefore, no action is necessary.” (Emphasis in original.)

The Board carefully reviewed your petition and the material that you provided in support of your petition 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. In its careful review of the entirety of the available records, including those that you provided, the Board determined that you provided insufficient evidence to overcome the presumption of regularity. In particular, you argued that the IPEB erred in its finding, and that your Category II related conditions should have been rated and counted toward your final service disability rating. However, the Board observed that you provided insufficient evidence to support that the IPEB erred in making its decision in your case. Further, while you cited the legal case *Springs v. Del Toro*, the Board observed that you did not provide sufficient argument or evidence explaining how that supported your claims of error or injustice. Moreover, the Board observed that the document you provided in support of your position actually stated that you were not entitled to relief. Thus, the Board determined that you provided insufficient evidence to overcome the presumption of regularity that the IPEB’s decision was correct and the Board was unable to find an error or injustice in your naval 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, _____

2/24/2026

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Executive Director

Signed by: █