



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

██████████
Docket No. 1012-26
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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application for reconsideration on 18 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.

In 2020, you filed your prior application for relief from this Board seeking to have your discharge changed to a service disability retirement. This Board informed you by letter, dated 9 November 2020, that it denied your requested relief. In its letter denying your relief, this Board explained that it found no evidence in your record to support a finding that you were unable to perform your assigned duties as a Special Intelligence Communicator due to a disability condition and that your record revealed you were performing well above fleet standards throughout your enlistment despite your documented misconduct. Further, this Board explained that it relied on your separation physical that cleared you for release from active duty approximately two months prior to your discharge. Finally, this Board noted that you were assigned a RE-1A reentry code upon your release from active duty and served another period of active duty while in the Marine Corps Reserve. Based on this evidence, considered in totality, the Board concluded the preponderance of the evidence does not support a finding that you there was no error or injustice with respect to your release from active duty with an Honorable characterization of service in August 1990. This Board also explained in its letter that compensation and pension disability ratings by the Department of Veterans Affairs (VA) is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated. Thus, the Board denied your first petition.

The summary of your service remains substantially unchanged from that addressed in the Board's previous decision. A review of your record shows that you enlisted in the Marine Corps Reserve and commenced active duty on 12 August 1986. On 7 March 1988, you were diagnosed with a preexisting right knee injury from a year prior. In April 1988, you were assigned to physical therapy for right knee pain. On 3 October 1988, you received nonjudicial punishment for larceny of CDs and a cassette. On 25 May 1989, you were evaluated for a sinus issue. On 27 October 1989, you were evaluated for right knee pain. On 30 October 1989, you received nonjudicial punishment for having alcohol in the Bachelor Enlisted Quarters (BEQ). On 12 June 1990, you were medically cleared for separation from active duty, during which you reported you were in good health. On 11 August 1990, you were discharged at the end of your obligated active service to attend school. You were assigned an RE-1A reentry code, which meant you were recommended for reenlistment, and you entered the Marine Corps Reserve. Your final proficiency and conduct marks were 4.6 and 4.4, respectively. On 11 February 1991, you were recalled to active duty. On 8 March 1991, you were found qualified for active duty. On 23 March 1991, you were released from active duty at the end of your obligated service and you were assigned an Honorable characterization of service and later released from the Marine Corps Reserve.

In your current petition, you requested reconsideration of the Board's prior decision. Specifically, you argue that an error exists in your record since your migraine headaches were not documented in your service medical record. In support of your request, you asserted as new matter that you did not experience migraine headaches prior to your naval service but your symptoms began while you were on active duty and they persisted continuously thereafter. You further asserted that your migraines and related health issues are now recognized under the PACT Act of 2022, and your migraines are a presumptive condition associated with toxic exposures during military service. You also provided medical records from the VA in support of your request.

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 new argument that you provided on reconsideration, the Board determined that you provided insufficient evidence to overcome the presumption of regularity. In reaching its decision, the Board observed that the PACT Act applies to the VA in its review and decisions on service connection for certain disability conditions. The PACT Act does not apply to decisions on fitness within the service Disability Evaluation System (DES). Thus, the Board reiterated its previous finding that there was no error or injustice in your Honorable discharge from service as a result of the completion of your required service/attend school and assignment of an RE-1A reentry code. In other words, the Board found no error exists with your service medical record and determined insufficient evidence to support that, at the time of your active service, you had an unfitting condition that warranted referral to the DES and ultimately provided a service disability retirement. In doing so, the Board affirmed the rationale contained in its letter of 9 November 2020. 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, _____

3/5/2026

