



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

██████████
Docket No. 3568-26
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 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 25 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.

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 record reveals that you enlisted in the Navy and commenced active duty on 27 January 2004. While you were in service, you were placed in the Disability Evaluation System (DES) and reviewed by an Informal Physical Evaluation Board (IPEB). On 2 November 2021, an IPEB found you to be unfit due to shoulder and lumbar conditions. On 27 January 2022, in accordance with the findings of the IPEB, you were retired to the Permanent Disability Retired List (PDRL).

In your petition, you requested to be retroactively placed on Permanent Limited Duty (PLD) and to have your retirement changed to match the date you would have completed 20 years of active duty, which would be 28 January 2024. In support of your request, you contend that during your service you had multiple exposures to hazardous materials, were deployed to different places, and had to fulfill multiple missions. You explained that you were medically retired in January 2022 after 18 years of service, were never offered any additional programs, and completed the

burn pit/toxic exposure registry for proof of service connectivity. You argue retroactive PLD and constructive active duty service to 28 January 2024 would allow you to retire with 20 years of active duty.

The Board carefully reviewed your petition and all of the materials that you provided with 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 your case, the Board determined that you provided insufficient evidence to overcome the presumption of regularity that your discharge was proper. The Board further noted that it was unable to find any evidence to support that there was an error or an injustice in the fact that you were not offered PLD while you were in service and that you received a service disability retirement as indicated by the findings of the IPEB. The Board observed that none of the factors you raised in support of your application support an argument that there was an error or an injustice in your naval record based on the fact that you were not offered PLD while you were on active duty. In addition, it is not clear what “additional programs” you believe you should have been offered. While the Board acknowledged PLD is an option for some service members, the Board noted that PLD is not an entitlement and is subject to the needs of the Navy and the service member’s ability to continue on active duty. Absent evidence those factors existed in your case, 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,

4/10/2026

