



Docket No. 3578-26
Ref: Signature Date

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.

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, reconsidered your application, on 18 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.

You previously applied to this Board for a disability retirement and were denied on 28 November 2022. In your initial application, you argued that the Department of Veterans Affairs (VA) granted you a service connected disability rating for the condition that formed the basis of your condition, not a disability discharge. In denying your request, among other things, the Board explained that you provided insufficient evidence reflecting that you received any diagnosis of an unfitting condition as defined within the disability evaluation system while you were on active duty and that there was no documentation reflecting that you were referred to a medical evaluation board evident in your records. With respect to the VA findings that you cited, the Board explained that the presence of a VA assigned disability rating does not establish unfitness for continued service as defined within the disability evaluation system. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

In your petition for reconsideration, you again requested to have your naval record corrected to change your reason for separation from “condition, not a disability” to “medical retirement,” retroactive placement on the permanent disability retired list (PDRL), and to conform a variety of blocks on your DD Form 214 to reflect this relief. In support of your request on

reconsideration, as new matter, you provided evidence that a December 2025 VA decision increased your disability rating to 100% permanent and total disability for the condition for which you were discharge. You argue this proves that you were disabled at the time of your discharge in 2012.

The Board carefully reviewed your petition and all of the materials that you provided with your petition, including your new matter, and disagreed with your rationale for relief. In its review of your petition for reconsideration, the Board determined that the new matter that you provided was insufficient for the Board to change its prior decision on your application. As the Board described in its letter denying your initial petition, the Board was not persuaded by the post-service VA finding in your case, in that the VA does not make determinations as to fitness for service as contemplated within the DES. 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. The fact your VA disability rating increased since your initial application to this Board was also not persuasive evidence since it does not address one of the Board's rationale for denying your application, i.e. the absence of a nexus between your VA rating and your fitness for continued naval service at the time of your discharge from the Navy. Thus, in its review and consideration of all the evidence, the Board did not observe any error or injustice in your naval records. 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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

4/7/2026

