



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 7105-16
APR 24 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

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 for Correction of Naval Records, sitting in executive session, considered your application on 30 March 2017. 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, your naval record and applicable statutes, regulations and policies.

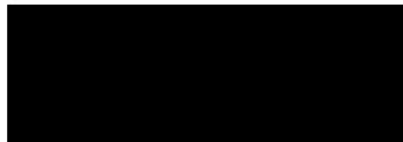
A review of your record shows that you entered service with the Marine Corps Reserve in February 1997. On 22 July 1997, a medical board diagnosed you with Type II Diabetes and referred you to the Physical Evaluation Board (PEB). On 29 August 1997, the PEB found you fit for duty despite your condition and you continued your career through the end of 2000. In February 2001, you became ill during a drill weekend and were diagnosed with Type I diabetes. You requested Line of Duty benefits but were denied by Commandant of the Marine Corps and later determined to be not physically qualified for retention by the Bureau of Medicine and Surgery on 3 June 2001. This determination later led to your separation from the Marine Corps.

The Board carefully considered your arguments that you deserve a disability retirement from the Marine Corps. You assert that your diabetes was incurred while on active duty and warrants a finding that it was incurred in the line of duty. Unfortunately, the Board disagreed with your rationale for relief. While the Board was sympathetic to your case, it found insufficient evidence to support a finding that your Type I diabetes was a duty related impairment. The Board could not find any evidence that your Type I diabetes was incurred while performing active duty, inactive duty training, or while traveling to or from the place where such duty was performed. The Board relied upon the 1 May 2001 letter from the Regimental Surgeon that stated that your

Type I diabetes condition was a natural progression from your Type II diabetes condition. The Board agreed with his assessment but was unable to find evidence the final conversion from Type II to Type I diabetes occurred while you were on Reserve duty. The fact you experienced symptoms related to your Type I diabetes during a drill weekend did not convince the Board you incurred Type I diabetes that weekend since it was very likely that you possessed Type I diabetes prior to that weekend when you became symptomatic. So without medical evidence that states your Type II diabetes transformed to Type I diabetes under circumstances that would qualify you for line of duty benefits, the Board concluded insufficient evidence exists to change your narrative reason for discharge. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director