





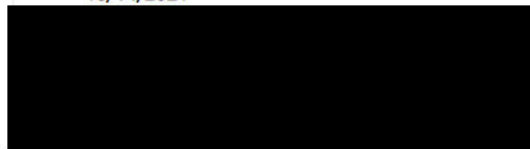
medical issues that became apparent post-discharge would have been discovered. Unfortunately, the Board disagreed with your rationale for relief.

In order to qualify for military disability benefits through the Disability Evaluation System with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. In your case, the Board determined the preponderance of the evidence did not support a finding that you met any of the criteria for unfitness. Specifically, the Board found no evidence that any disability condition created a sufficient occupational impairment at the time of your discharge to merit your referral to the Disability Evaluation System. The Board noted that your final proficiency marks of 4.4 document that you were able to perform the duties of your office, grade, rank or rating at fleet standards. In addition, the RE-1A reenlistment code assigned to you upon your discharge also documented that there were no medical impediments to your continued service on active duty. While the Board considered your post-discharge medical treatments, they did not find them persuasive on the issue of unfitness since your back surgery occurred approximately three years after your discharge from the Marine Corps. In the Board's opinion, too much time had passed from your discharge date to your 2017 surgery to be able to rely on the surgery evidence to determine your fitness for duty in 2014. Further, the Board considered your VA ratings but did not find them probative for fitness for duty since 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. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

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,

10/14/2021

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Deputy Director

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