





health symptoms and treatments through 2020. You reported continued suicidal ideations, a suicide attempt while incarcerated for a hit and run incident, and a September 2020 Department of Veterans Affairs disability rating of 100% for Bipolar Disorder.

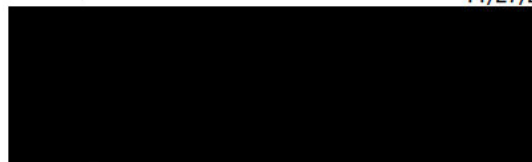
The Board carefully considered your arguments that you deserve to be placed on the disability retirement list based on your history of mental health symptoms since your placement on the TDRL. Unfortunately, the Board disagreed with your rationale for relief.

In reviewing your case, the Board found no error with the PEB's decision to remove you from the TDRL and discharge you from the Marine Corps with severance pay. The evidence shows that the PEB attempted to notify you of their 2016 findings, based on the November 2015 PPE, in order to allow you to exercise your due process rights. Therefore, the Board concluded the preponderance of the evidence supports the findings of the PEB and the decision to discharge you from the Marine Corps. Therefore, the evidence does not support your placement on the disability retirement list. The Board noted that a previous panel of the Board concluded an injustice existed in your case based on the lack of notice before you were discharged from the Marine Corps. As a result, you were provided an opportunity to contest those finding by being reinstated to the TDRL. However, the Board found no evidence that you took advantage of the opportunity provided to you to exercise your due process rights after your reinstatement to the TDRL. As a result, they concluded that an injustice no longer exists in your case. The evidence that you continued to suffer from mental health symptoms was not persuasive evidence of further injustice since the Board felt you squandered a viable opportunity to contest the 2016 PEB findings and providing a third opportunity to contest the findings was not supported by the preponderance of the evidence. 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,

11/27/2021

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