



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

█  
Docket No. 7878-21  
Ref: Signature Date

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Dear █,

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 13 January 2022. The names and votes of the members of the panel 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 that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your record shows that you entered active duty with the Marine Corps in October 1984. After completing your initial training, you reported to 3D Marine Aircraft Wing in March 1985. After completing your obligated service without incident, you were awarded a Navy and Marine Corp Achievement Medal just prior to your discharge on 1 October 1988 at the end of your obligated active service. Upon your discharge, you were assigned a RE-1A reenlistment code. Post-discharge, the Department of Veterans Affairs (VA) assigned you a combined 50% rating for Tinnitus and a Bilateral Upper Arm condition. In addition, you report that current Post-Traumatic Stress Disorder (PTSD) symptoms that require treatment based on alleged mistreatment by your chain of command in 1985-1986.

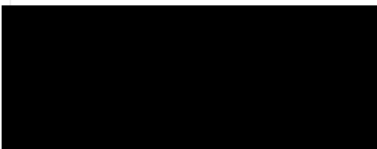
The Board carefully considered your arguments that you deserve a disability discharge or retirement based on your VA rated disability conditions and PTSD symptoms. Unfortunately, the Board disagreed with your rationale for relief.

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 of 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 reviewing your case, the Board concluded the preponderance of the evidence does not support a finding that you met any of the criteria for unfitness. Specifically, the Board relied on evidence that you performed your duties from 5 April 1985 through 20 August 1988 in a superior manner sufficient to earn a Navy and Marine Corps Achievement Medal. In the Board's opinion, despite the possible existence of your disability conditions, they did not create a sufficient occupational impairment to prevent you from performing your assigned duties leading up to your discharge from the Marine Corps. In addition, the Board found no evidence these disability conditions created some form of danger to you or others at the time of your discharge. Finally, the Board noted that you were not involuntarily separated from active duty and earned a RE-1A reenlistment code. This indicated to the Board that you were medically qualified to reenlist in the Marine Corps despite any existing disability conditions at the time. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

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,

1/15/2022

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Deputy Director

Signed by: 