



The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that, 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 his or her office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if his or her 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 record, the Board concluded the preponderance of the evidence does not support a finding that you met any of the criteria for unfitness as defined within the disability evaluation system at the time of your discharge. In reaching its decision, the Board observed that there was no evidence in your record, nor did you provide any, that you were injured in connection with your active duty service in the Marine Corps. Further, if you are asserting that you were injured while drilling in the Marine Corps Reserve, there is no evidence in your record, and you did not provide any, that you were so injured. Additionally, if your assertion is that you were injured while serving in a reserve capacity, you would have needed to be issued a line of duty finding, establishing that such injury occurred while in a duty status. On this point, there is no evidence of a line of duty finding in your record, nor did you provide any. Finally, even if there were evidence of injury, and there is not, the Board observed that, according to your service records, the actual reason for your discharge was on account of your failure to meet your reserve obligations. Accordingly, given the totality of the circumstances, the Board determined that 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.

Sincerely,

3/10/2023

