



not qualify because you did not fulfill the time in service required. You further assert that you were removed from the Marine Corps solely due to a medical reason and, thus, the reason for your discharge should be changed to accurately represent his reason for discharge.

The Board carefully reviewed all of your contentions and 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 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 record, the Board concluded the preponderance of the evidence does not support a finding that you met 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 is no evidence in your service record, and you provided none, describing that, while you were on active duty, you were evaluated by a medical board with a referral the Physical Evaluation Board. After your release from your initial period of active duty for training, you participated in the Marine Corps Reserve. The Board observed that your service record includes documentation that while you were in the reserve you were found TNPQ, and also found to have Class III dental status. As mentioned above, your service record does not contain documents reflecting your final release from the Marine Corps Reserve. In such circumstances, the Board applies a presumption of regularity. In your case, the Board presumed that your reserve unit had a basis for discharging or releasing you from the Marine Corps Reserve. Such basis may have been related to your TNPQ status or your Class III dental status. Since there is no evidence, and you provided none, that you incurred or aggravated a qualifying disability condition while in the Marine Corps Reserve, and received a Line of Duty determination for the condition, the Board concluded insufficient evidence of error or injustice exists to change your discharge status. 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,

4/6/2023

