



from RMED and OJAG are for LOD-HC Medical Incapacitation Benefits instead of LOD-B. In support of your contentions, you provided new evidence not previously considered.

The Board carefully reviewed your petition and the material that you provided in support of your petition and it disagreed with your rationale for relief. The Board took into consideration that your access to medical care was limited in 2020 due to COVID lockdown and the natural disasters. However, the Board again noted that after the MCMAP injuries in August and November 2019, and you completed your active service orders and were discharged in March 2020. During the four months you were on active duty, you did not follow up for medical care for your shoulder or knee and you were not placed on limited activities during that period. Secondly, you were evaluated for your back pain, foot pain, and knee pain prior to separation in March 2020 and those conditions were specifically deemed as not limiting. Third, the Board observed you completed two Combat Fitness Tests, a Physical Fitness Test, and AT orders in August 2020, and drill periods until January 2021, without incident. Consequently, the Board determined you were not limited in performing activities with respect to your office, rank, or rate, until January 2021, after you had an injury playing basketball. In making this finding, the Board again substantially concurred with the decisions and opinions of the Marine Corps Reserve Medical Entitlements Determination Section and Office of the Judge Advocate General (Code 13). Ultimately, the Board concluded the evidence does not support your contention that you sustained injuries in an active status that limited your ability to perform the duties and responsibilities of your rank, rate or military occupational specialty and determined there is no error or injustice in your record regarding denial of LOD benefits. 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,

12/4/2023

