



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

█  
Docket No. 10566-23  
Ref: Signature Date

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Dear Petitioner:

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.

A three-member panel of the Board, sitting in executive session, considered your application on 18 April 2024. 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, 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 in the United States Marine Corps in 2014 and you reenlisted on 16 January 2018. On 11 March 2020, you were placed on limited duty (LIMDU) due to history of anaphylactic shock. Your physician stated that you had a history of hives, facial swelling, and naval congestion since November 2018 and had episodes of anaphylaxis, with no known trigger. On 21 July 2021, your Commanding Officer (CO) stated in the Non-Medical Assessment that your condition did not affect your ability to perform your assigned tasks. Your Narrative Summary also stated that you were able to perform all aspects of your daily duties. You submitted an appeal stating that your diagnosis kept you from performing your daily duties and that you believed your diagnosis of migraines should be a referred condition to the Physical Evaluation Board (PEB).

The Independent Medical Review response, dated 14 September 2021, noted “there is no medical documentation in her medical records that would indicate the service member has had to be placed on quarters on convalescent leave due to her current diagnosis. Her NMA by her Unit CC also states the service member is able to perform her duties as required... I concur with her PCM's current assessment, the diagnosis does not interfere with her daily duties...due to no confirmed Migraine diagnosis or continued treatment for headaches, I do not see that this medical condition would be disqualifying.”

In March 2022, the PEB found you FIT to continue on active duty noting “the history of anaphylaxis has not prevented the service member from performing in her MOS.” On 13 April 2022, you accepted the PEB finding of FIT and did not request a formal PEB hearing. You were discharged, on 15 April 2022, with an Honorable characterization of service. Your Individual Separation Information document states completion of required active service as the reason for separation and a reentry code of RE-1A.

For this petition, you request a re-evaluation of your PEB and contend that you were not able to perform physical fitness outdoor activities due to the condition and warranted a medical discharge.

The Board carefully reviewed your petition and disagreed with your rationale for relief. In reaching its decision, the Board determined there was insufficient evidence to support a finding that you were unable to perform the duties of your office, grade, rank or rating as a result of a qualifying disability condition. The Board noted your CO stated you were able to successfully fulfill your duties of your rank and billet. Moreover, your re-entry code of RE-1A documents the service found you eligible for reenlistment. Further, the Board noted you did not provide any documentation that you were denied re-enlistment due to any medical conditions. Finally, the Board noted you had the opportunity to contest your PEB findings of FIT at a formal board hearing, but you accepted the FIT finding.

In light of the foregoing standard applicable to the Disability Evaluation System, the Board did not discern any facts that would support you being eligible for a disability discharge or retirement. Rather, the evidence of record demonstrates that you were discharged after successfully completing your active duty obligation and were physically qualified for reenlistment. Therefore, the Board found insufficient evidence of error or injustice to warrant a change to 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,

5/7/2024

