



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

██████████
Docket No. 11021-24
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 19 December 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 and applicable statutes, regulations, and policies.

A review of your record shows that you enlisted in the Marine Corps and began active duty service on 28 June 2004. On 14 November 2023 you completed pre-separation counseling and were found eligible to retire. You discharged from active duty on 30 September 2024. Your Certificate of Release or Discharge from Active Duty (DD Form 214) states an Honorable characterization of service and "Sufficient Service for Retirement" as the narrative reason for separation. You were subsequently transferred to the Fleet Marine Corps Reserve (FMCR).

For this petition, you request to be transferred from the FMCR to the Permanent Disability Retired List (PDRL). You contend the Department of Veterans Affairs (VA) found you Permanently and Totally Disabled following active duty service and that if placed on PDRL, it would prevent you from being called to active duty during a National Emergency. You included VA documents to support your contention.

The Board carefully reviewed your petition and the material you provided in support of your petition and disagreed with your rationale for relief. In reaching its decision, the Board observed that, in order to qualify for military retirement; a service member is referred by a

military medical physician to the Disability Evaluation System (DES). During this process, the Physical Evaluation Board (PEB) would have to find the service member Unfit - unable to perform the duties of his/her office, grade, rank or rating as a result of a qualifying disability condition. In reviewing your record, the Board concluded the preponderance of the evidence does not support a finding you met the criteria for unfitness as defined within the DES at the time of your transfer to the FMCR. Applying a presumption of regularity, the Board determined if you actually had a medical condition that warranted referral to the DES, you would have been so referred. The Board found absolutely no evidence that you were unable to satisfactorily complete over twenty years of active duty service, while at the same time be unfit to serve on active duty. Finally, the Board noted your argument for transfer to the PDRL is partially based on the VA decision to issue you permanent and total disability status. The Board was not persuaded by your VA evidence since that VA status does not require unfitness for military duty be demonstrated.

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,

2/5/2025

