



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

Docket No. 12188-24
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) Official Military Personnel File
(c) Findings of the Physical Evaluation Board, 14 November 2023
(d) President, Physical Evaluation Board, ltr 1850 PEB Index M22300485 of 27 November 2023

Encl: (1) DD Form 149 w/attachments
(2) Department of the Navy, Physical Evaluation Board (PEB), ltr 1850 CORB of 7 March 2025
(3) Director, Secretary of the Navy Council of Review Boards (SECNAV CORB) ltr of 12 March 2025

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her discharge be corrected to reflect that she be medically retired and receive Department of Defense disability benefits.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 24 April 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the references, enclosures, relevant portions of naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. A review of reference (b) reveals Petitioner enlisted in the Marine Corps and commenced active duty on 18 July 2022. On 18 September 2023, Petitioner was issued a Page 11 Administrative Remarks stating that she had been informed by her commanding officer that she had been approved for voluntary administrative separation due to pregnancy. The administrative separation package supporting this information was not available in reference (b). In accordance

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with the foregoing Page 11, and as reflected in Petitioner's Certificate of Release or Discharge from Active Duty, Petitioner was discharged on 21 September 2023 due to pregnancy.

c. During her service, Petitioner was placed into the Disability Evaluation System (DES) and reviewed by an Informal Physical Evaluation Board (PEB) due to a medical condition relating to pain in her hip. Thus, as reflected in reference (c), on 14 November 2023, the IPEB found Petitioner to be unfit due to pain in left hip at 40% and recommended that she be placed on the permanent disability retired list (PDRL). On 27 November 2023, the President, PEB, wrote to the Commandant of the Marine Corps, informing him that Petitioner was found unfit and should be transferred to the PDRL. Petitioner could not, of course, be placed on the PDRL, because she was discharged nearly two months previously due to pregnancy.

d. In her petition, Petitioner requests to be medically retired and to receive Department of Defense disability benefits.

e. In order to assist it in considering Petitioner's application, the Board sought the enclosure (2) advisory opinion (AO) from the PEB, which was transmitted along with its enclosure (3) transmittal letter from the CORB Director. According to the PEB, an administrative separation for pregnancy is a voluntary process that must be initiated by the service member. Thus, according to the PEB, it can be presumed she requested the separation voluntarily. The next question is whether Petitioner should have been medically retired according to the IPEB. On this point, the PEB observed that Petitioner did not receive her IPEB findings until nearly two months after her pregnancy discharge but the PEB record does not support that her disenrollment from the DES was in accordance with the established procedures. Specifically, according to the PEB, there is no indication that Petitioner was being administratively processed for a reason that would justify the removal from the DES. In addition, there is no there is also no evidence that the President of the PEB terminated her case due to insufficient information necessary to determine her fitness, mental competence, or eligibility for disability benefits. Ultimately, the PEB explained that it is debatable whether Petitioner's voluntary pregnancy separation constituted a knowing waiver from the DES and the PEB process. In enclosure (3), the CORB Director concurred in the explanation set forth in the AO.

CONCLUSION

In its review of the entirety of the available documentation, the Board was unable to find an explanation as to how Petitioner was authorized to be voluntarily discharged due to pregnancy even while she was in the process of being evaluated within the DES and without her executing a waiver from the DES process. The Board also observed that there is not documentation reflecting that either Petitioner or her command informed the PEB of her discharge; which continued its work to evaluate Petitioner's medical conditions for nearly two months after she was discharged. Based on these circumstances, the Board could only conclude that there was an error in Petitioner's naval record. As indicated by the AO, for a service member to be released from the DES, they either must be administratively processed for an involuntary purpose (e.g., misconduct), or they must execute a waiver, which must be signed by the President of the PEB. Neither of these conditions could be found here. In light of this error, the Board determined that the PEB records demonstrate that had Petitioner not first separated due to pregnancy, she would

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have continued in service until such time as the PEB issued its finding at reference (c), and she would have been retired to the PDRL in accordance with such finding. Thus, the Board grants relief as set forth in the recommendation below.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

That Petitioner be placed on the PDRL effective the date she was discharged from active duty (21 September 2023) for the following condition:

Unfit for PAIN IN LEFT HIP (STABLE), DC 5252, rated at 40%, NCR/NCZ.

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting Narrative Reason for Separation: Disability, Permanent, Separation Program Designator: As Appropriate; Reentry Code: RE-3P.

The Defense Finance and Accounting Service shall audit the Petitioner's pay account to determine amounts due, if any.

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/7/2025

