



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

██████████
Docket No. 600-25
Ref: Signature Date

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Dear ██████████

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your request on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 April 2025. 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 reveals that you enlisted in the Marine Corps and commenced active duty on 15 December 2014. On 16 July 2018, you were reviewed by a Medical Evaluation Board (MEB), which prepared a narrative summary addressing your diabetes condition. On 5 October 2018, the Department of Veterans Affairs (VA), in its role within the Integrated Disability Evaluation System (IDES), assigned your diabetes condition a 20% disability rating. On 11 October 2018, an Informal Physical Evaluation Board (IPEB) found you to be unfit due to Type I Diabetes Mellitus (Unstable) and assigned it the 20% disability rating as found by the VA. The IPEB explained that it “considered the combined effect of all conditions when making its fitness determination and applied this to the final adjudication.”

The IPEB finding document also contained a notation from the Medical Officer member of the IPEB, dated 13 August 2018, which explained that your medical treatments had not resolved your symptoms sufficiently such that you would not be able to perform the duties of your rating. The Medical Officer further explained that the PEB incorporated the VA Rating Decision Letter and its supporting rationale regarding your unfitting condition. You executed your election of options (EOO) on 29 October 2018, in which you stated that you accepted the findings of the

IPEB. Your acceptance was witnessed by your Physical Evaluation Board Liaison Officer (PEBLO). Thereafter, you were separated on 30 January 2019 due to disability, with severance.

In your petition, you requested that this Board reconsider the 20% disability finding by the PEB. In support of your request, you contend that the correction should be made because of the overall severity of your condition and ongoing side effects were not considered at the time of your MEB. You further argue that evidence was left out of your package, which led to you being reevaluated after you were discharged from the Marine Corps. You also state that you were rushed home due to your wife giving birth, so you were not able to appeal the original decision. You provided medical documentation from the VA, some active duty medical records, and your petition.

In its review of your petition, including all of the materials that you provided, the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that it applies a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Available records in your case demonstrated that, within its role in the IDER, the VA made a rating decision of 20% for your diabetes condition while you were in the IDER, which the IPEB appropriately applied. The Board considered your assertion that the IPEB failed to consider the overall severity of your condition but the IPEB report, dated 11 October 2018, specifically stated that it considered the combined effect of all of your conditions. With respect to your arguments that the IPEB failed to consider related conditions or side effects, and that evidence was left out of your package, the Board was unable to discern from your petition and supporting documentation which, if any, documents were not considered by the IPEB in rendering its decision. Further, the Board was unable to discern from your petition whether any such documents would have made a material difference in the finding of the IPEB. In considering your argument that you had no time to appeal the decision of the IPEB, the Board observed that you had a PEBLO assisting you through the IDER process, and that you executed the EOB with the assistance of the PEBLO. Thus, in light of the foregoing, the Board found that you provided insufficient evidence to overcome the presumption of regularity and did not find an error or injustice in your naval records. 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,

5/14/2025

