



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

[REDACTED]
Docket No. 1570-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX XX [REDACTED] USMC RET

Ref: (a) 10 U.S.C. § 1552
(b) Official Military Personnel File (OMPF)
(c) MARADMIN 360/22
(d) 38 U.S.C. § 3319
(e) MARADMIN 017/20
(f) MCO 1900.16 (MARCORSEPMAN)

Encl: (1) DD Form 149 w/enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting,¹ through his statement, adjustment of his time in grade (TIG) to reflect retirement as a First Sergeant/E-8; recalculation of his retirement pay to reflect the appropriate high-three average based on two years as an E-8; and reinstatement of his Post 9/11 GI Bill transfer of eligibility (TEB) to his family.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 May 2025, and pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, finds 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.

¹ On his DD Form 149, Petitioner articulated this additional requested relief: Review of the Permanent Limited Duty (PLD) denial process for potential undue influence and bias; review of Headquarters Marine Corps (MMSR/MMEA) handling of his case to for procedural fairness; and correction of records to reflect the impact of medical conditions on career progression and assignments. These requests – for review of processes and impact on career progression/assignments – are not errors/injustices to be corrected in a record. However, this Board viewed these as contentions and considered each when determining whether relief was warranted.

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b. A review of reference (b) revealed Petitioner initially enlisted and began a period of active duty in the Marine Corps on 16 August 2005. The below facts are relevant to the Board's consideration of Petitioner's requested relief:

(1) In November 2006, Petitioner's first child was born.

(2) Petitioner reenlisted for four years and ten months on 24 October 2008 and extended his enlistment for 40 months on 1 April 2013. He reenlisted for four years on 6 December 2016.

(3) In November 2015, Petitioner remarried and subsequently had a second child in September 2017 and a third child in August 2018.

(4) On 14 April 2020, Petitioner extended his enlistment for 31 months, creating a new expiration date of 5 July 2023.

(5) On 23 February 2021, Petitioner submitted a TEB application with less than four years remaining on his enlistment contract. The application was rejected on 3 August 2021 because he had not committed to the required additional service.

(6) In January 2022, a fourth and fifth child were born to Petitioner. Later than year, on 14 December 2022, Petitioner reenlisted for four years.

(7) On 1 September 2023, Petitioner was promoted to the rank of First Sergeant.

(8) In February 2024, the Physical Evaluation Board (PEB) found Petitioner unfit due to Post-Traumatic Stress Disorder (PTSD), chronic, (unstable) with a disability rating of 90% with a recommendation for placement on the Temporary Disability Retired List (TDRL).

(9) On 20 May 2024, Petitioner requested to be placed in Permanent Limited Duty (PLD) status for a period of 16 months to reach time in service (TIS) and TIG requirements for an active duty retirement on 30 September 2025. On 30 May 2024, Commanding Officer (CO), [REDACTED], forwarded Petitioner's request, "recommending approval." On 13 June 2024, Commanding General (CG), [REDACTED], endorsed Petitioner's request "recommending approval." On 3 July 2024, the Commandant of the Marine Corps (CMC) disapproved Petitioner's request to remain on active duty in a PLD status until 30 September 2025. However, the CMC "encouraged" Petitioner to submit a request to retire under Temporary Early Retirement Authority (TERA).

(10) On 20 August 2024, Petitioner requested to retire from active service under the TERA program on 31 December 2024 with a detachment date of 30 November 2024. In accordance with reference (c), Petitioner "request[ed] TERA in conjunction with waiving [his] Department of the Navy (DON) DES unfit finding." After consulting with a Disability Evaluation System (DES) attorney and his PEB Liaison Officer, Petitioner accepted the PEB's findings and "waived any and all legal rights" under the DON DES. Additionally, if his TIG waiver was disapproved, Petitioner stated his willingness to transfer to the Fleet Marine Corps

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Reserve (FMCR) at the lesser grade of E-7. On 20 August 2024, Director, [REDACTED], favorably endorsed Petitioner's request "recommending approval of transfer to FMCR date of 31 October 2024" and retirement at "current grade of E-8." On 21 August 2024, CO, [REDACTED], forwarded Petitioner's request, recommending a 31 October 2024 transfer date to the FMCR and retirement as an E-8. In his undated endorsement, CO, [REDACTED], recommended approval with a 31 October 2024 transfer date and retirement as an E-8.

(11) Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) indicates he transferred to the FMCR due to early retirement on 31 October 2024 with an honorable characterization.

c. Petitioner contends the denial of his PLD request resulted in an early retirement that prevented him from reaching TIS and TIG requirements that would allow for retirement as an E-8 with retirement pay based on two years as an E-8. He specifically contends the PLD denial was "based on a flawed and inconsistent decision-making process that failed to properly consider honorable service history, medical documentation, endorsements from [his CO and CG], and the long-term impact on [his] career, retirement, and mental well-being." Specifically, he contends the following:

(1) His early retirement was not the result of personal choice but of pressure, administrative failures, and undue influence as evidenced by the overruling, without clear justification, of his CO's and CG's favorable endorsements. Petitioner further contends the lack of transparency in the decision process prevented him from determining whether the denial was based on a fair review or if undue influence from senior personnel played a role.

(2) The stress, uncertainty, and perceived lack of advocacy in his case significantly exacerbated his mental health struggles, leading to a retirement experience that was neither honorable nor dignified, despite his 19 years and three months of dedicated service.

(3) The unforeseen denial of his PLD request had severe consequences beyond financial loss. The denial robbed Petitioner of the ability to transfer his Post 9/11 GI Bill benefits to his family, a privilege he had worked hard to earn. The abrupt timeline created immense emotional and psychological distress, stripping Petitioner of his ability to properly prepare for civilian life. Petitioner further contends he was denied "proper due process and independent review" by the "rubber-stamp disapprovals" which "appeared to simply follow an unchecked recommendation process."

(4) The circumstances surrounding Petitioner's PLD denial, early separation, and resulting impacts on his career and benefits were unjust and lacked procedural fairness.

(5) The denial of Petitioner's PLD request appears to have been influenced by factors beyond his medical documentation and command endorsements, and the lack of procedural transparency and inclusion of unverified details undermines the integrity of the decision-making process. Specifically, Petitioner contends the informal denial of orders in March 2023 – which he made with his leadership's guidance – may have been misrepresented during the decision-

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making process. Despite not receiving an RE-3O reentry code, the narrative surrounding Petitioner's orders refusal seems to have influenced the decision against his PLD request. As supporting evidence, Petitioner submitted a screenshot from the PLD decision that suggests the inclusion of additional, untrue information that could not have been known without external influence being introduced.

(6) The decision to deny Petitioner's PLD request failed to adequately consider the significant personal and professional harms caused by this outcome and these factors: (1) His performance, potential, or contributions to the Marine Corps; (2) His medical condition and CO/CG endorsements that demonstrated confidence in his ability to continue serving; (3) His full engagement and effectiveness in his role, to include his contributions for the First Sergeant School, even while navigating complex medical challenges; and (4) the lasting impact on his career, benefits, and family.

See enclosure (1).

d. Reference (d) provides authority to transfer unused education benefits to family members. Reference (e) requires eligible Marines to be willing and able to complete four (4) additional years of service (active duty or SELRES) – with no break in service from the TEB request date.

e. Reference (f) section 8108 allows the CMC ([REDACTED]) to retain Marines, found unfit on active duty, in a PLD status to continue naval service in a limited assignment. The section specifies the following: "Marines with 16 years, but less than 20 years of active service, and facing discharge with severance pay by the action of the PEB may be considered for retention on active duty in a PLD status to complete 20 years active service and retirement." The MARCORSEPMAN further states the "Marine's disabling condition must be determined to have stabilized, or is progressing at a slow rate" and the Marine "must be able to function in a normal military environment without adverse effect on personal health or the health of other Marines, maintain standards of appearance and conduct, and not require an inordinate amount of medical care." Additionally, the MARCORSEPMAN lists criteria for remaining on active duty in a PLD status: (a) To complete a current tour of duty based on hardship, extraordinary circumstances, needs of the Service, or desire of the Marine; (b) To provide continuity in a key, mission-essential billet pending relief; or (c) To complete active service obligation for education and training.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief.

Since his requested relief hinged on whether the Board determined the disapproval of his PLD status was unjust, the Board began its consideration of Petitioner's submission with a review of his PLD request. However, after carefully reviewing all Petitioner's contentions and the material submitted in support of his petition, the Board disagreed with Petitioner's rationale for relief. Specifically considering the reference (f) requirements discussed above, the Board noted Petitioner was not "facing discharge with severance pay by the action of the PEB." Instead, the

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PEB had recommended his placement on the TDRL. Additionally, the Board noted PEB considered Petitioner's PTSD "unstable" and there is no indication in the available record that his condition was "progressing at a slow rate." The Board also carefully considered the comments from the screenshot provided in enclosure (1) and determined there is insufficient evidence of bias, undue influence, or unfair review. In contrast, the Board noted the discussion was rooted in the requirements of the MARCORSEPMAN regarding stability of Petitioner's condition, the billet, and the potential for "an inordinate amount of medical care." The Board also noted the CO and CG endorsements simply stated "forwarded, recommending approval" without any further justification or noted support. Lastly, the Board considered Petitioner's contention the denial of his request was "based on a flawed and inconsistent decision-making process" that failed to properly consider his "honorable service history" and the "long-term impact on [his] career, retirement, and mental well-being" but noted these are not delineated criteria for determining whether PLD status should be approved. Based on these factors, the Board concluded there is insufficient evidence of an error or injustice in the CMC's disapproval of Petitioner's request to remain on active duty in a PLD status.

Based on its decision regarding Petitioner's request to remain on active duty in a PLD status, the Board concluded his requests to correct his military and retirement pay records did not warrant relief. The Board also noted the request on his DD Form 149 for "correction of records to reflect the impact of medical conditions on career progression and assignments" was vague and not within its purview since it doesn't specify an error or injustice.

However, the Board concluded it was in the interests of justice to allow Petitioner to transfer his Post 9/11 GI Bill education benefits. Specifically, the Board determined Petitioner met the basic eligibility criteria to transfer Post 9/11 GI Bill education benefits but failed to complete the administrative requirements. Although Petitioner did not complete the appropriate administrative requirements, the Board concluded he would have been able to transfer education benefits to eligible dependents upon reenlisting on 6 December 2016. Moreover, the Board determined Petitioner completed over eight years of active duty service since his 6 December 2016 reenlistment, thereby meeting the spirit and intent of reference (d). Further, the Board noted that due to the PEB's determination Petitioner was unfit due to PTSD and the denial of his PLD request, Petitioner's inability to complete his December 2022 reenlistment contract and/or serve four additional years beyond the 23 February 2021 TEB application date was beyond his control. Therefore, the Board determined under these circumstances, partial relief was warranted.

RECOMMENDATION

In view of the above, the Board recommends the following partial corrective action be taken on Petitioner's naval record.

That Petitioner's record be corrected, where appropriate, to show that:

Petitioner requested to transfer unused education benefits to [REDACTED]/2 months, and [REDACTED]/2 months through the MilConnect TEB portal on 6 December 2016. Note: Prior

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to retirement, Petitioner allocated education benefits to [REDACTED] /2 months, [REDACTED] /2 months, [REDACTED] /2 months, and [REDACTED] /2 months.

Headquarters Marine Corps (HQMC) reviewed Petitioner's TEB application, and it was approved on 6 December 2016 with a four-year service obligation. Note: HQMC will ensure Petitioner's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of education benefits.

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.

6/4/2025

