



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



Docket No. 1811-25
Ref: Signature Date



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 31 March 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 shows you enlisted in the Marine Corps and commenced active duty on 4 May 2020. On 17 July 2024, the Physical Evaluation Board (PEB) found you unfit for pain in your left knee with a disability rating of 10%. Based on the PEB findings, you were discharged with severance pay on 15 November 2024.

In your petition, you have requested your medical discharge be changed to a medical retirement because your disability rating has changed. As supporting evidence, you submitted a 3 January 2025 letter from the Department of Veterans Affairs (VA). The letter annotates a number of service connected disability conditions in addition to the unfitting left knee condition rated by the PEB.

The Board carefully reviewed your petition and your supporting documentation and disagreed with your rationale for relief. In reaching its decision, the Board noted your reliance on your service connected disability ratings by the VA to support your request for a service disability retirement. However, the VA's determination these conditions were service connected did not persuade the Board that these conditions were unfitting at the time of your discharge. The Board, noting eligibility for VA compensation and pension disability ratings is manifestation-

based without a requirement that unfitness for military duty be demonstrated, concluded the changed VA disability rating has no bearing on the disability rating utilized by the PEB. Therefore, the Board determined that insufficient evidence of error or injustice exists with your PEB findings. 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,

4/18/2025

