



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

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Docket No. 3492-25
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.

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your request on 30 July 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

After a previous period of active duty, you reenlisted in the Marine Corps and commenced another period of active duty on 5 July 1985. Service medical records that you provided reflect that you had a several year history of Vertigo and Otosclerosis. While you were in service, you were reviewed for fitness by the Physical Evaluation Board (PEB). On 31 May 1994, the President, PEB, transmitted a Notification of Decision to the Commandant of the Marine Corps informing him that the PEB found you to be unfit for service with a 10% rating and directing your separation with severance pay. Thereafter, on 22 July 1994, you were discharged from the Marine Corps due to disability with severance pay.

In your petition, you request to have your Certificate of Discharge or Release from Active Duty (DD Form 214) changed to "medical retirement." In support of your request, you assert that it

was not your fault that you were discharged from the Marine Corps and that you were set to retire at 20 years until you lost your hearing due to the Marine Corps as a result of Vertigo, Otosclerosis, and Tinnitus.

In its review of your petition, the Board determined that it 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. In your case, the Board considered that the available documentation from your time in service reflects that your case was reviewed by the PEB; which found that you were unfit with a 10% rating. Upon its careful review of the documentation that you provided, the Board was unable to find sufficient evidence demonstrating that the PEB erred in its review of your medical condition at the time of your service. Thus, the Board determined that you provided insufficient evidence to overcome the presumption of regularity that applies to the determination of the basis and rating applied to your separation from service. 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,

8/11/2025

