



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

██████████
Docket No. 5068-25

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.

A three-member panel of the Board, sitting in executive session, considered your application on 22 May 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 6 January 2020. From approximately February 2023 to March 2023, you were reviewed by a Medical Evaluation Board (MEB). According to the report of the MEB, you were being reviewed for left and right knee pain. The report of the MEB described that you sustained a left knee injury while playing basketball and a MRI revealed a partial tear of your ACL. On 24 March 2023, you provided a personal statement in response to the report of the MEB; in which you discussed the background of your left and right knee issues. On 12 October 2022, you underwent an ACL reconstruction. Thereafter, you were referred to the Integrated Disability Evaluation System (IDES) for evaluation of fitness relating to your left and right knees. On 20 May 2023, the Department of Veterans Affairs (VA) issued proposed ratings in its role within the IDES and rated your left knee condition at 10%. On 4 June 2023, you were reviewed by an Informal Physical Evaluation Board (IPEB). According to the findings of the IPEB, you were unfit due to pain in left knee (stable) at 10% and pain in right knee (stable) at 0%. The IPEB found the condition was not the result of a combat related injury. On 8 June 2023, you executed your Election of Options (EOO) form, indicating that you accepted the finding of the IPEB and that you did not request that the VA reconsider your disability findings. Your EOO was

witnessed by your Physical Evaluation Board Liaison Officer (PEBLO). On 13 June 2023, President, PEB, informed the Commandant of the Marine Corps of its findings. Thereafter, on 15 August 2023, you were discharged from the Marine Corps due to disability, with severance, and assigned an Honorable characterization of service.

In your petition, you requested that this Board change your separation from disability with severance pay to a disability retirement. In support of your request, you contend that your separation was based solely on bilateral knee pain but it was not assessed correctly because the doctor who performed the PEB examination did not consider the instability of the knee and constant pain with everyday movements and being unable to walk, stand, sit, etc. You also argued that bilateral knee pain was not the sole reason for you being found unfit to stand duty and that previous and current mental health issues and medication being taken played a much larger role and greatly affected your life as a result of your anxiety, depression, insomnia, and migraine. You provided medical records from your time in service and a VA finding document in support of your request.

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 IDES, the VA made a rating decision of 10% for your knee condition while you were in the IDES; which the IPEB appropriately applied. The Board considered your assertions that the doctor who performed your knee assessment failed to consider the instability of your knee and that your mental health conditions should have been considered within the IDES. However, the available record documentation from your time in the MEB reflects that you were assessed for all potentially unfitting conditions over a period of months, you provided a written statement concerning your conditions to the MEB, and your conditions were fully evaluated by the VA in its role within the IDES prior to the IPEB review. The Board noted your 24 March 2023 personal statement does not address any other conditions and your EOO demonstrates that you accepted the findings of the IPEB as witnessed by your PEBLO. Thus, in light of the foregoing, the Board found that you provided insufficient evidence to overcome the presumption of regularity and it did not find an error in your naval records. Further, the Board determined you provided insufficient evidence of an 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,

6/4/2025

