



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

██████████
Docket No. 5099-25
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 you did not file your application in a timely manner, the Board waived the statute of limitation in the interest of justice and considered your request on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 17 September 2025. The names and votes of the panel members 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 that you enlisted in the Marine Corps and commenced active duty on 12 March 2001. Your final fitness report while in service, covering the period 28 September 2005 to 10 March 2006, reported that you, "demonstrate[] the ability to achieve desired results and can be relied upon to meet schedules and deadlines. Attains results through the proper direction of subordinates and makes a substantial contribution to the continued operation and mission accomplishment of the unit." Having reached the completion of your required service, you were discharged on 10 March 2006 with an Honorable characterization of service and assigned an RE-1A reentry code; which meant that you were eligible for reenlistment.

In your petition, you request to have your discharge status changed to a medical retirement. In support of your request, you contend that, prior to your discharge, you applied for benefits from the Department of Veterans Affairs (VA) and the VA conducted a compensation and pension examination which found that you had nine compensable service connected disabilities. You further argue that, while a Medical Evaluation Board (MEB) did not conclude you were unfit for duty, you believe it is reasonable to affirm that a MEB would have placed you on the temporary disability retired list (TDRL) and eventually the permanent disability retired list (PDRL). You further state that you were diagnosed with PTSD; which the VA rated at 10%.

The Board carefully reviewed your petition and all of the material that you provided with that petition, and disagreed with your rationale for relief. In reaching its decision, the Board observed that, in order to qualify for military disability benefits through the Disability Evaluation System (DES) with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. In addition, 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.

As you correctly pointed out, you were not referred to the MEB while you were in service for a review of any perceived unfitting conditions. The Board considered that your record while in service did not include any recommendations from any treating medical providers that indicated you were not fit for separation from service such that you should have been reviewed by a MEB for further review within the Disability Evaluation System. In addition, the Board considered that you did not provide any such documentation. Further, the Board observed that there is no indication in your service record that any one in your chain of command believed that you were unable to perform the functions of your job as a result of a disability condition, nor did you provide any such documentation. In fact, your final fitness report while you were on active duty explained that you demonstrated the ability to achieve desired results and you made a substantial contribution to the mission accomplishment of your unit. These factors are inconsistent with a Marine that was unfit to perform the duties of his office, grade, rank, or rating. In addition, the Board considered that prior to separation, every Marine undergoes a Separation Physical Examination (SPE), to determine whether the member is fit for discharge. You did not provide your SPE, and although the Board did not have it available, but the presumption of regularity would indicate that you were, in fact, fit for separation, because you were in fact separated, and assigned a favorable reentry code that would have allowed you to reenlist. If you were unfit at the time you left service, you would not have been assigned a favorable reentry code. Further, addressing your assertion that the VA found you had several ratable conditions at your time of discharge, the Board found this evidence to be unpersuasive because the VA does not make determinations as to fitness for service as contemplated within the service disability evaluation system. Rather, eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated. In sum, in its review of all of the evidence, the Board did not observe any 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,

11/19/2025

