



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 6253-25
Ref: Signature Date

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Dear █,

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 20 January 2026. 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. In addition, the Board considered the advisory opinion contained in Headquarters, U.S. Marine Corps memorandum 1820 MMSR-5 of 22 July 2025, which was previously provided to you for comment.

On 15 January 2004, you enlisted in the U.S. Marine Corps Reserve for 8 years with an End of Obligated Service (EOS) of 14 January 2012.

You were released from active duty with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 19 April 2004 to 18 April 2008 upon completion of required active service.

On 2 November 2011, you signed an agreement to extend enlistment for 11 months with a new EOS of 14 December 2012 in order to be eligible for reenlistment with CG waiver due to alcohol related incident.

On 25 July 2012, you reenlisted for 4 years in the U.S. Marine Corps Reserve with a new contract expiration date of 24 July 2016.

On 22 September 2015, you reenlisted for 4 years in the U.S. Marine Corps Reserve with a new contract expiration date of 21 September 2019.

On 21 July 2018, you reenlisted for 4 years in the U.S. Marine Corps Reserve with a new contract expiration date of 20 July 2022.

In accordance with MARADMIN 135/19 published on 4 March 2019, retirement with at least 20 years of service continues to be the standard retirement entitlement for those who complete a career in the Military Services. Early retirement serves as an additional force management tool to meet the needs of the Marine Corps and approval of TERA requests remains an exception to policy governing the regular retirement of service members in reference (a). Per references (b) through (e), the Marine Corps is authorized to offer voluntary early retirement under certain criteria to Active Component (AC) and Active Reserve (AR) Marines with more than 15 and less than 20 years active duty. This authority extends through 31 December 2025 unless sooner rescinded.

TERA in conjunction with waiving Physical Evaluation Board (PEB) findings. Marines being considered for disability separation or retirement must complete the PEB process with a finding of “unfit,” have more than 15 but less than 20 years active service, and be willing to waive the PEB findings in order to apply for TERA. Marines approved for early retirement in these cases must have a retirement date that occurs within the timeframe that a disability separation or retirement is expected to occur. Marines disapproved for TERA in conjunction with PEB findings will be required to execute their disability separation as directed by the PEB.

In accordance with SECNAV M-1850.1 published on 23 September 2019, Members Eligible for the DES [Disability Evaluation System]. Service Members on active duty and RC who are on orders to active duty specifying a period of more than 30 days...RC members who are not currently on orders to active duty specifying a period of more than 30 days but who incurred or aggravated a medical condition while the member was previously part of the Active Component (AC) or while ordered to active duty for more than 30 days. A LOD Benefits (LODB) Letter is required...

Waiver of PEB Evaluation a. Except as prohibited by paragraph 7 of this chapter, Service Members may waive referral to the PEB with the approval of the President, PEB when: (1) The physical disability evaluation requires extension past the date of the member’s service agreement, end of active obligated service, or approved retirement date; (2) The member does not consent to retention; and (3) The member has no remaining Reserve service obligation.

RC members on Active Duty for more than 30 days may continue disability evaluation upon release from active duty provided they maintain a Ready Reserve status. However, they must sign a waiver declining retention on active duty.

Members in a PLD status may not waive referral to the PEB until such time as the PLD period is completed or terminated if the PLD period was in excess of 12 months.

A member requesting a waiver must be counseled by Government DES counsel and their PEBLO on the DES process, the right to a PEB, and the potential benefits of remaining in an active duty or active Reserve status to complete evaluation by the DES.

To request a waiver of referral to the PEB, a Service Member must submit a written request signed by the member, Government DES counsel, and their PEBLO [Physical Evaluation Board Liaison Officer] attesting that the member received the required counseling described in the paragraph above, with command endorsement. The member's command must endorse the facts stated in the request but will not make a recommendation. A waiver is not granted until approved by the President, PEB.

Waiver of Disability Retirement or Separation. (a) Members Qualified for Retirement or Separation for Other Reasons. A Service Member who meets all prerequisites for retirement or separation because of physical disability but is also qualified for retirement for other reasons or transfer to the Fleet Reserve or Fleet Marine Corps Reserve may request to be separated for reasons other than disability.

You were released from active duty with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 10 January 2015 to 15 October 2022 upon completion of required active service.

On 29 September 2023, Commandant of the Marine Corps notified you that “[t]he Secretary of the Navy has authorized your physical disability retirement per PEB Index No. M22300399 of 7 Sep 2023. At 2359 on 30 October 2023, you are transferred to the Temporary Disability Retired List (TDRL), due to a combat related disability, in accordance with Title 10, United States Code, Chapter 61.”

Your Career Retirement Credit Report listed the following: Total Points Credit 6,166, Total Satisfactory Years 19, and Total Qualifying Service 19 years.

You requested to correct your discharge to be retired under the TERA in accordance with SECNAV M-1850.1 and MARADMIN 135/19. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that, “I was misinformed, misled, and ultimately stripped of the retirement I rightfully earned—a retirement others in identical circumstances received.” However, the Board could not find, nor did you provide any documentation that corroborates your assertion. SECNAV M-1850.1 states, “[a] Service Member who meets all prerequisites for retirement or separation because of physical disability but is also qualified for retirement for other reasons or transfer to the Fleet Reserve or Fleet Marine Corps Reserve may request to be separated for reasons other than disability.” However, the Board agreed that you were not qualified for retirement for other reasons than disability. At the time of transfer to the TDRL, you had 19 years of qualifying service, therefore you were ineligible for a non-regular retirement. Furthermore, in accordance with MARADMIN 135/19, “[t]he Marine Corps is authorized to offer voluntary early retirement under certain criteria to Active Component (AC) and Active Reserve (AR) Marines with more than 15 and less than 20 years active duty.” The Board agreed that you were in the Reserve component on active duty not in the Active Reserve (AR) program, therefore you are not eligible

for TERA and a change to your record is not warranted. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

1/31/2026

