



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

██████████
Docket No. 8140-25
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 20 May 2026. 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 were commissioned in the Marine Corps and commenced active duty on 27 May 2011. Your final fitness report, which covered the period 1 June 2023 to 30 September 2023 noted that you were "Exceptionally physically fit and an outstanding mentor, coach and leader for all student pilots." It further stated that you would "excel in the civilian sector and would be an absolute must for service in the reserve component if he chooses to pursue that option." The Board presumed that, prior to your separation from active duty and in accordance with the Manual of the Medical Department (MANMED) prepared by the Department of the Navy Bureau of Medicine and Surgery (BUMED), you would have received a separation physical examination (SPE). According to section 15-20 of the MANMED, a separation physical examination is a comprehensive evaluation, which is conducted for the purposes of ensuring that service members have not developed any medical conditions while in receipt of base pay that might constitute a disability that should be processed by the Physical Evaluation Board (PEB). Further, according to the MANMED, the "standards for being physically qualified to separate are the same as those being qualified to continue active duty Service and to affiliate with the reserves." On 30 September 2023, you completed your required service and transferred to the Marine Corps Reserve. There is no indication in your available records that you were found to be unfit for release from active duty and you were considered fit for affiliation with the reserve component. Your penultimate fitness report while in the reserve described you as a "great leader," and that you were highly recommended "for promotion, retention, and resident PME."

According to an email string that you provided, your reserve unit's injury case manager informed Headquarters, Marine Corps (MMSR-5) (Reserve Separations and Retirement) that Navy Bureau of Medicine and Surgery (BUMED) found you to be Not Physically Qualified (NPQ) for continuation in the Marine Corps Reserve. There is no evidence that you sought, or obtained, a Line of Duty (LOD) finding for any injuries incurred while on a period of duty. If you were injured while you were on a period of reserve duty, you would have been required to obtain an LOD setting forth the nature of the injury. In addition, any such injury and LOD finding would have been addressed by your reserve unit's injury case manager.

On 26 June 2025, you received an email message from MMSR-5, which stated that office had "received the final determination of physical qualification for retention from the Bureau of Medicine and Surgery (BUMED)" and that you had been "found to be not physically qualified for further service in the Marine Corps Reserve." The email further explained that: "Part of this process requires you to make a decision, within 10 calendar days from the date of this email, on whether to accept a separation or request an additional review by the Physical Evaluation Board. If there is no response from you by 2359, 7 July 2025, MMSR 5 will take action to involuntarily separate you."

The same day, MMSR 5 wrote a letter to you stating as follows:

1. Per reference (a) [BUMED letter of 5 May 2025], you do not meet the retention standards and have been found not physically qualified for further service in the Marine Corps Reserve.
2. You have 10 calendar days from the date of this letter to respond and request one of the following options using the enclosure:
 - a. Submit a request for resignation by reason of being not physically qualified for retention.
 - b. Request a transfer to the Retired List (if eligible under existing regulations with at least 15 satisfactory years of service).
 - c. Request a hearing before the Physical Evaluation Board (PEB).

If the member's case is considered by the PEB, and SNM does not agree with the recommendation of the records of the review panel, you may demand a formal hearing and the case will be referred, by the PEB, to a hearing panel for evaluation. A member of the Marine Corps Reserve, not on active duty, who desires to appear in person before a formal hearing, must agree to appear at no expense to the Government.

3. If no reply is received within 10 calendar days, it will be concluded that you do not desire a hearing and action will be taken by MMSR-5 to involuntarily separate the member by reason of physical disqualification.

In response, you did not request a hearing before the PEB. Instead, you submitted a resignation from the Marine Corps Reserve. On 6 August 2025, Commandant of the Marine Corps informed you by letter that your resignation from the Marine Corps Reserve was accepted effective 1 September 2025.

In your application, you requested that the Board amend your DD Form 214 to reflect that you received a medical retirement effective 1 October 2023 and direct DFAS to audit your pay records in order to receive back-pay. In support of your request, you argued that, at the time of your separation from service, you were not medically qualified for service. You further argued that you should have been reviewed by a medical board and ultimately assigned a disability retirement with a 70% disability rating. In further support of your request, you provided documentation from the Department of Veterans Affairs (VA) reflecting that you had been awarded a post-service 100% disability rating for a variety of conditions. You provided a medical opinion that, of these conditions, your degenerative disc disease and intervertebral disc syndrome, lumbar radiculopathy of the right lower extremity, and the lumbar radiculopathy of the left lower extremity are “service-disqualifying.” You also provided a personal statement, a personal logbook, a statement from your wife, and a variety of service records.

The Board carefully reviewed your contentions and the material that you submitted in support of your request and the Board determined that it found no error or injustice in your naval records. 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.

In your case, the Board was unable to find any evidence to support that there was an error or an injustice in your naval record by virtue of the fact that you were authorized to separate from active duty and affiliate with the Marine Corps Reserve, or to resign from the Marine Corps Reserve, without first placing you into the DES. The Board was unable to find any documentation, and you did not provide any, that any of your commands or any treating provider while you were on active duty suggesting that your performance was impacted by any apparent disability conditions for which you should have been evaluated by a Medical Evaluation Board and referred to the DES for determination as to whether any such conditions were unfitting for your continued service in the Navy. In fact, the Board found that evidence supports the contrary. Notably, while you were on active duty, your performance was considered exemplary. Your final active duty fitness report noted that you were “Exceptionally physically fit and an outstanding mentor, coach and leader for all student pilots.” It further stated that you would

“excel in the civilian sector and would be an absolute must for service in the reserve component if he chooses to pursue that option.”

In addition, the Board presumed that prior to your separation from active duty, you would have received an SPE as described above. Your record reflects that you were, in fact, accepted into the Marine Corps Reserve, which means that you were in fact found fit for separation and fit for affiliation with the Marine Corps Reserve. Next, as described above, the Board observed that, while you were in the Marine Corps Reserve, there is no indication that you submitted a request for LOD to document an illness or injury incurred during a covered period of reserve service. The Board further observed that you voluntarily resigned from the Marine Corps Reserve. You were provided the opportunity to seek review of the medical condition that rendered you NPQ, but you chose to submit your resignation.

In sum, the Board was unable to find any evidence, either from when you were on active duty or when you were in the Marine Corps Reserve, that suggested there was any error in your separation from the Marine Corps or that you otherwise should have been placed into the DES instead of allowed to voluntarily transfer to the Marine Corps Reserve. The Board also was unable to find any error in the MRR process that resulted in your NPQ finding and your ultimate resignation from the Marine Corps Reserve. Further, the Board was unable to find that there was injustice in the fact that you were not placed into the DES at any time in your Marine Corps career.

You have provided post-service findings by the VA relating to a variety of conditions and argue that these post-service conditions evidenced that you were actually unfit during your active duty service or in the Marine Corps Reserve. The Board was not persuaded by this argument. On this point, the Board observed that 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 light of the foregoing, the Board was unable to find an error or injustice in your naval record.

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,

6/9/2026

