



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

Docket No. 8314-25
Ref: Signature Date

Dear [REDACTED]

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 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 April 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.

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

A review of your record shows that you enlisted in the U.S. Marine Corps Reserve and commenced Recruit Training (in an active-duty status) on 16 May 2022. After successfully completing Recruit Training, the School of Infantry, and advanced training in your Military Occupational Specialty (3531/Motor Vehicle Operator), you were discharged from active duty on 24 November 2022 and released to your Reserve unit.

You report that on 27 July 2024, while participating in a drill weekend with your Reserve unit, you were tasked with replacing the tires on an MTRV 7-ton truck. You contend that, due to a slippery substance on one of the tires, a fellow Marine lost his grip, and you were forced to bear the full weight of the tire to keep it from falling onto you and potentially causing serious injury. You describe pushing very hard, with your right knee bearing the greatest amount of stress. The medical record reflects that you sought evaluation and treatment for your knee the next day at the [REDACTED], [REDACTED], [REDACTED]. You complained of lateral right knee pain, though you were still able to bear weight. Your provider took x-rays of your knee, which showed some swelling, but no fracture or

dislocation. In clinical notes, your provider stated, “I have low suspicion for complete ligamentous rupture given patient still able to bear weight and freely move his knee. There may be a strain or tear.” You were discharged from the Emergency Department with crutches and prescriptions for acetaminophen and ibuprofen.

In September 2024, you followed up with a civilian orthopedic surgeon. An MRI taken 16 September 2024 showed “a partial thickness radial tear at the junction of the body and posterior horn” of the lateral meniscus of your right knee, along with a displaced flap fragment of the torn meniscus. Your surgeon recommended surgery to correct the injury, though the record does not reveal whether you ultimately underwent surgery.

You contend that you were required to undergo Medical Retention Review (MRR) due to your knee injury, and the record shows that, on 3 August 2025, you were discharged from the Marine Corps Reserve with a “JFR-3” separation code, indicating that you were involuntarily discharged for a physical disability that was not incurred in the line of duty and not due to misconduct.

In your application to this Board, you requested that your naval records be corrected to reflect your disability separation or retirement. In your application, you contend that the correction is necessary because: (1) you want your records to specifically state that you sustained your injury during military service; and (2) it was inappropriate for the Marine Corps to separate you from service without it knowing and recognizing that you sustained your injury during military service.

The Board notes that, in evaluating the official actions of public bodies and officers, it is bound to employ the presumption of regularity. Under that presumption, in the absence of substantial evidence to the contrary, the Board will presume that such public bodies and officers have properly discharged their official duties.

The Board carefully reviewed your application, supporting materials, and military record and ultimately concluded that you failed to meet your burden to prove, by a preponderance of the evidence, that the Navy’s actions at the time of your discharge were erroneous (i.e., that the actions materially departed from then-applicable processes or standards, or that judgments made in the course of those actions were irrational) or unjust (i.e., that the actions, though not erroneous, were unjust under the particular circumstances of the case, either at the time or in retrospect).

In its review of the entirety of the available record, the Board found that you provided insufficient evidence to overcome the presumption of regularity and to prove, by a preponderance of the evidence, that the Navy erred when it referred you to the MRR and ultimately separated you for an injury that it determined not to have been incurred in the line of duty, instead of referring you to the Disability Evaluation System (DES) for a fitness evaluation of a service-connected disability. Critically, your case file does not contain, and you did not provide for the Board’s review, any documents associated with your MRR process. The Board further notes that the record before it does not show that you were ever issued a Line-of-Duty Benefits for DES (LOD-B for DES) letter, which, by policy of the Department of the Navy, is a prerequisite for your entry to the DES as a Reserve component Marine who was not on orders for a period of longer than 30 days at the time you were injured. As a result, in the absence of

documents supporting your contentions regarding your improper referral to the MRR process, the presumption of regularity compels the Board to find that the Navy acted appropriately in your case, determined that your disqualifying injury was not incurred in the line of duty, and processed you through the MRR in accordance with that determination.

In sum, following its review of the evidence, the Board found that you failed to meet your burden to prove, by a preponderance of the evidence, that the Marine Corps' actions at the time of your discharge were erroneous. Then, having found the Marine Corps' actions in this case not to be erroneous, the Board turned its attention to whether those actions were unjust, despite being appropriate under then-applicable standards and procedures. The Board found that you failed to show, by a preponderance of the evidence, that the unique circumstances of your case were such that a formally correct action nevertheless resulted in injustice.

The Board therefore concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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 particular, the Board encourages you to read this letter in detail, as it identifies specific documents and categories of evidence that would allow it to perform a more substantive review of your claims and their evidentiary support. 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,

5/5/2026

