



[REDACTED]

[REDACTED]

[REDACTED]

A review of your record reveals that you enlisted in the Marine Corps Reserve and commenced initial training on 12 May 2004. You were discharged on 25 November 2004 due to completion of your required service. You commenced another period of active duty on 23 June 2006 in support of Operation Iraqi Freedom/Operation Enduring Freedom and completed your active duty service on 22 June 2007. You were promoted to sergeant on 1 April 2011. Although your separation paperwork is not available in your Official Military Personnel File (OMPF), you have averred that you transferred to the individual ready reserve (IRR) in May 2010, and you were discharged from the Marine Corps Reserve in February 2012. You have provided a copy of your post-service disability rating from the Department of Veterans Affairs (VA), which reflects the VA granted you a variety of disability ratings, including a rating for trauma and stressor related disorder.

In your petition, you request to be considered for medical retirement based on injuries sustained during your military service. In support of this request, you asserted that on 9 March 2008, you were involved in a bus accident while on duty, which resulted in significant medical complications that have persisted to this day. You further asserted that you are now recognized as a 100% disabled veteran, with this condition directly linked to the injuries sustained in that incident. In your personal statement in support of his application, you wrote that on 9 March 2008, you were involved in a catastrophic bus accident at [REDACTED], during a drill-weekend. You stated that the bus, operated by a civilian charter company, lost control while navigating a curve and overturned multiple times, resulting in the death of one Marine and injuries to 22 others. You argued that, as a direct result of the accident, you sustained serious and lasting injuries to his back, shoulder, neck, and knees.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board disagreed with your rationale for relief. In reviewing evidence of errors or injustice with respect to disability retirements, the Board observed that, in order to qualify for military disability benefits through the 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 reaching its decision, the Board also 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 light of the foregoing standards, the Board observed that your naval records do not reflect any indication that, while you were in service, there was an error in the fact that you were authorized to transfer to the IRR and eventually separate from the Marine Corps Reserve instead of being referred for review by a Medical Evaluation Board (MEB) for review of potentially unfitting conditions. The Board was unable to find any documentation, and you provided none, that while you were in the Marine Corps Reserve, any of your commands or any medical provider determined that you should be reviewed by a MEB for review of potentially unfitting conditions. Similarly, there is no evidence that while you were in the reserve you were placed into Medical Retention Review (MRR) for determination of whether you were physically qualified for further reserve service. In that vein, your available records also did not contain, nor did you provide, any evidence of a Line of Duty (LOD) finding, reflecting that you suffered an injury while on a duty period that was potentially unfitting. For similar reasons, the Board was unable to find an injustice in your naval record.

In light of the foregoing, the Board determined that you provided insufficient evidence to overcome the presumption of regularity that you were fit to serve within the meaning of the DES through the end of your reserve service. 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,

5/7/2026

