



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 8827-08
20 July 2009

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 July 2009. 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, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 30 September 1982 at age 18 and began a period of active duty on 27 January 1983. On 7 February 1983, while in recruit training, you were referred for a medical evaluation due to your complaint of a knot in your groin area and a mass in your scrotum posterior. At that time you reported that you had been seen by civilian doctors for this condition prior to your entry in the Marine Corps. Subsequently, you were diagnosed with a hernia and recommended for an administrative separation. You were also advised to have surgery to repair the hernia after your separation.

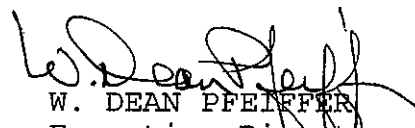
You were processed for an administrative separation by reason of convenience of the government due to the diagnosed physical disability that existed prior to your entry in the Marine Corps.

On 15 February 1983 a medical board recommended separation due to your Category III disability as evidenced by the diagnosed inguinal hernia. On 28 February 1983 the separation authority directed an uncharacterized entry level separation by reason of a physical disability, and on 1 March 1983 you were so separated and assigned an RE-3F reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your period of service. It also considered your assertion that your narrative reason for separation should be changed since you developed a double hernia while in recruit training. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the characterization of your service or your narrative reason for separation. Further, there is documented evidence in the record which reflects that your physical disability existed prior to your entry in the Marine Corps. Finally, an uncharacterized entry level separation is authorized by regulatory guidance and normally assigned to Marines who have not completed recruit training. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,


W. DEAN PFEFFER
Executive Director