



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

SJN
Docket No: 04168-09
22 March 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 16 March 2010. 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.

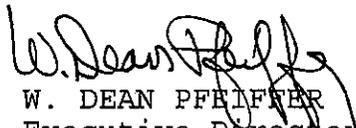
You enlisted in the Marine Corps and began a period of active duty on 13 May 1985 at age 19. On 28 May 1985, a mental health evaluation was conducted, and it was determined that you had a retinal degeneration bilaterally that existed prior to your entry into the service. On 3 June 1985, a Medical Board found that you had a non-acceptable defect and recommended separation from the service. Based on the evaluation and Medical Board, you were processed for separation by reason of a physical disability that existed prior to your entry onto active duty. On 17 June 1985, you were discharged with an entry level separation.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and short period of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization of service. In this regard, the Board noted that you were notified of your separation processing within 180 days of the beginning of your period of active service. Navy regulations authorize an uncharacterized entry level separation if the processing of a Marine begins within 180 days of his entry

on active duty. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 PFEIFFER
Executive Director