



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

TJR  
Docket No: 10723-09  
12 August 2010



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 10 August 2010. 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 25 January 1995 at age 20 and served without disciplinary incident. However, on 27 May 1995, you were counselled regarding your substandard performance, specifically, your lack of strength and endurance which interfered with the performance of your duties and resulted in your inability to participate in training that included minimal amounts of physical exertion.

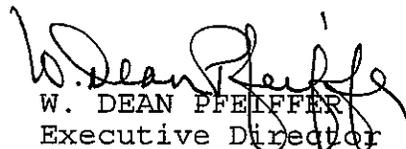
Your record reflects that on 20 June 1995 you were referred for a medical evaluation after experiencing neck pain from a recurrent fracture and subluxation of the fourth vertebra of your cervical spine, a condition which resulted from a car accident that occurred prior to your enlistment. Because your neck injury was potentially serious and physical activities put you at a high risk for continued service, you were recommended for an administrative separation. On 29 June 1995 you were notified of administrative separation by reason of erroneous enlistment as evidenced by your inability to meet physical standards due to a recurrent fracture and subluxation of the fourth vertebra of your

cervical spine, which existed prior to enlistment. Presumably, you did not object to the separation and waived your right to submit a separation rebuttal statement. Subsequently, the discharge authority directed your commanding officer to issue you an uncharacterized entry level separation by reason of erroneous entry, and on 11 August 1995, while serving in paygrade E-2, you were so discharged and were assigned an RE-3P 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 change your entry level separation by characterizing your period of service. Nevertheless, the Board concluded these factors were not sufficient to warrant relief. The Board concluded that your recurrent physical condition and failure to complete recruit training were sufficient to support the uncharacterized entry level separation, which is authorized by regulatory guidance. 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 PFEIFFER  
Executive Director