



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

ES
Docket No: 11159-14
18 May 2015

5 U.S.C. 552(b) (6)



Dear 5 U.S.C. 552(b) (6)



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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 April 2015. 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.

You enlisted in the Navy and began a period of active duty on 17 August 2006. Shortly thereafter, you were diagnosed with chronic left testagia and recommended for an administrative separation. Although the separation documentation is not in the record, it appears that administrative separation action was initiated by reason of convenience of the government due to the diagnosed chronic left testagia. The record reflects that on 1 August 1966, while serving in paygrade E-1, you were discharged with an uncharacterized entry level separation by reason of failed medical/physical procurement standards.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your characterization of service and narrative reason for separation. Nevertheless, the Board concluded these factors were insufficient to warrant relief in

your case because Navy regulations state, in part, that Sailors serving in paygrade E-1 who have been diagnosed with a medical and/or mental condition, such as chronic left testagia, and who have served for less than 180 days of active duty, must receive an uncharacterized separation. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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 U.S.C. 552(b) (6)

ROBERT J. O'NEILL
Executive Director