



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

JDR
Docket No: 5650-14
10 July 2015

[REDACTED]

Dear [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.

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 16 June 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.

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 Navy, began a period of active duty on 14 May 1992. On 22 June 1992, you were counseled and advised that you were being considered for an administrative separation by reason of defective enlistment due to erroneous entry into the naval service, as evidenced by knee pain that existed prior to enlistment. After being afforded all of your procedural rights, the separation authority approved and directed an entry level separation. On 26 June 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your relatively short period of service, desire to change your characterization of service and separation code, and your assertion that the discharge was a result of injuries incurred while in basic training. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given that you were notified of your separation process within 180 days of the beginning of your period of active service. Navy regulations authorize an uncharacterized entry level separation if the processing for separation begins within 180 days of entering active duty. Further, when advised on 22 June 1992, you did not object to the recommended separation or characterization of separation. Finally, with regard to your assertion, the Board noted that there is documented evidence in your record that your condition existed prior to enlistment. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director