



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

[REDACTED]
Docket No: 6871-16
NOV 07 2017

[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 12 September 2017. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

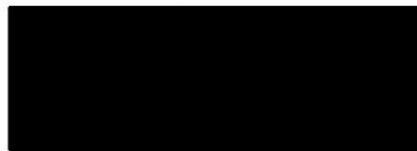
You enlisted in the Marine Corps Reserve and began a period of active duty on 6 June 1994. On 7 December 1994, you were the subject of a medical evaluation and diagnosed with a probable meniscal tear in your right knee. The diagnosed condition affected your potential for performance of expected duties and responsibilities. On 27 April 1995, you were directed to go before the Medical Performance Evaluation Board. On 8 September 1995, you received non-judicial punishment (NJP) for being absent from your appointed place of duty. Subsequently, you were notified of the recommendation that you be discharged with a general discharge by reason of being physically unfit to perform military duties. After you waived your procedural rights, your Commanding Officer recommended a general discharge by reason of physically unfit to perform military duties. The discharge authority approved your commanding officer's recommendation and directed a general discharge by reason of physically unfit to perform military duties. As a result of the foregoing, on 1 July 1996, you were discharged.

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. The Board carefully weighed all potentially mitigating factors, such as your desire to change your

characterization of service and contention that your JAG lawyer told you that your discharge would be honorable with your contract being fulfilled. The Board noted that there is no evidence in your record, and you submitted none, to support your contention of being told that your discharge would be honorable. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director