



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

[REDACTED]
Docket No. 7324-16

APR 03 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 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 case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 March 2017. 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.

A review of your record shows that you entered active duty with the Marine Corps on 15 June 1977. You reported to medical complaining of pain in your ears on 27 June 1977 and disclosed a two year history of ear pain prior to your enlistment. On 7 July 1977, you were diagnosed with a passive aggressive personality which served as the basis for your administrative separation for unsuitability. You were discharged on 14 July 1977 for unsuitability and issued an Honorable characterization of service.

The Board carefully considered your arguments that you deserve a disability discharge. You assert that you perforated your ear drum after being yelled at by a drill instructor. Unfortunately, the Board disagreed with your rationale for relief. The Board concluded there was insufficient evidence to support your assertion that you suffered from a disability that made you unfit for continued naval service. While the Board found evidence that you complained of ear pain on multiple occasions, there was no evidence your eardrum was injured to the extent it made you physically unqualified for continued service. Further, the Board concluded that your condition preexisted your entry into the Marine Corps based on your statements to medical providers and this evidence persuaded the Board that your ear condition was not incurred as you asserted in your application. Finally, the Board determined that your personality disorder diagnosis of 7 July 1977 supported the Marine Corps actions in discharging you for unsuitability. Your record

shows that you were afforded the due process required by regulations prior to your discharge. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application. 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 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 large black rectangular redaction box covering the signature of the Executive Director.

Executive Director