



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

█
Docket No: 6920-20
Ref: Signature Date



Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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, sitting in executive session, considered your application on 23 October 2020. 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, policies.

You enlisted in the Navy on 3 January 2001. From 27 March 2001 to 8 May 2001, you were seen by medical for knee pain on seven separate occasions. On 15 May 2001, you were medically recommended for an entry level medical separation for a condition that existed prior to entry. Subsequently, you were notified of pending administrative separation action by reason of defective enlistment and induction due to erroneous enlistment. You waived your procedural rights except to obtain copies. Your commanding officer directed an uncharacterized (UNCHAR) entry level separation (ELS) by reason of defective enlistment due to erroneous enlistment. You were discharged with an UNCHAR ELS on 24 May 2001. Your issued Certificate of Release or Discharge from Active Duty (DD Form 214) states your narrative reason for separation as "condition, not a disability."

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contention that you injured both your knees in basic training, and after seeing

numerous doctors, you were diagnosed with Patella Femoral Syndrome. The Board also considered your contention that you continue to suffer from knee pain and, almost twenty years later, receive injections and physical therapy from your local Department of Veterans Affairs (VA) Center. Further, the Board considered your contention that blocks 24 (character of service) and 28 (narrative reason for separation) are preventing you from being eligible for a VA loan. Unfortunately, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or changing narrative reason for separation. The Board determined there was no error or injustice in your administrative separation processing, and concluded you were appropriately discharged with an UNCHAR ELS because you had not reached 180 days of continuous active military service. The Board also noted the narrative reason for separation on your DD Form 214 does not match the reason directed by the discharge authority but noted “condition, not a disability” is not an unjust or prejudicial reason and appropriately states the reason for separation as a “condition” rather than an “erroneous enlistment.”

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 matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/13/2020

█

Executive Director

Signed by: █