



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

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Docket No: 6273-21
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted 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 1 December 2021. The names and votes of the panel members 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 the 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, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the Marine Corps and began a period of active duty on 11 December 1963. On 28 January 1964, you were diagnosed by a medical board with Limbosacral Joint (Due to Trauma), Transitional, Incomplete Sacralization. The medical board noted that per your statement you complained of "back trouble." The medical board further noted that: (a) on or about October 1963 prior to your enlistment, you fell trying to roll a drum full of scrap metal; (b) since that time, you experienced backaches and a "snapping" sensation in your back on bending or twisting; and (c) since your arrival at Parris Island, you had difficulty with physical training and complained of pain on bending and doing set-ups. The medical board opined that you had a non-acceptable defect and accordingly recommended that you be administratively discharged from the naval service. You were informed of the medical board findings, and desired not to submit a statement in rebuttal to the medical board's recommendation.

Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary (as is the case at present), will presume that they have properly discharged their official duties. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated from the Marine Corps on 5 February 1964 with an “honorable” characterization of service and your narrative reason for separation is “319-Convenience of the Government (Erroneous Enlistment) Par 13261.1e Marine Corps Personnel Manual and BuMedInstn 1910.2c.”

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change your narrative reason for separation, specifically, remove the language “erroneous enlistment.” The Board also considered your contentions that: (a) you do not have a record of having back problems, when you enlisted, you passed your physical; (b) you did not know you had issues with your back until you were in basic training; and (c) you need the “erroneous enlistment” taken off your discharge papers so that you can get help for your medical bills.

The Board noted you did not submit any documentation or advocacy letters in support of your application to be considered for clemency consideration. Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief given your diagnosed medical condition. Further, the Board did not find evidence of an error or injustice that warrants changing or removing your narrative reason for separation from your DD Form 214. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

12/23/2021

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Executive Director

Signed by: █