



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

█
Docket No: 6653-21

Ref: Signature Date

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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 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 20 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, 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 27 August 1996. On 1 October 1996, a medical dispositions officer diagnosed you with undisclosed history of recurrent dislocation of both patellae prior to enlistment. On the same date, you elected to waive all your procedural rights. On 2 October 1996, a medical officer diagnosed you with chronic subluxing patellas bilaterally, at which point, further medical care was recommended following separation from service. On 3 October 1996, the commanding officer from Naval Hospital, █, recommended your discharge from service by reason of not physically qualified for enlistment as opposed to physical unfitness by reason of physical disability. On 8 October 1996, you were notified of the initiation of administrative separation proceedings by reason of defective enlistment due to erroneous entry, at which point, you elected to waive all your procedural rights. On the same date, your commanding officer recommended an entry level separation (ELS) by reason of defective enlistment due to erroneous entry as evidence by chronic subluxing patellas

bilaterally. On 11 October 1996, you were discharged with an uncharacterized discharge characterization of service.

The Board carefully considered all factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo and the additional references cited above. These included, but were not limited to, your contentions that you disclosed all your minor knee issues to MEPS prior to your enlistment, and that you injured both of your knees while attending recruit training. The Board in its review discerned no impropriety or inequity in your discharge. The Board also noted you did submit your surgery appointment letter to be considered. However, 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 the 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,

1/14/2022

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Executive Director

Signed by: █