



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: 0694-22
Ref: Signature Date



Dear Petitioner:

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 7 March 2022. 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).

On 24 April 1990, during your enlistment processing, you were granted a waiver for a previous charge of driving under the influence (DUI), assault and battery, abusive language and possession of alcohol. You enlisted in the U.S. Marine Corps (USMC) and began a period of active duty on 1 May 1990. From 7 May 1990 through June 1990, you received multiple counseling entries ranging from your being in an unauthorized absence status to being unable to complete physical training. You were seen at medical (sick call) eight (8) times from 18 May 1990 to 26 June 1990, for medical concerns ranging from cough and congestion to knee pain. In June 1990, you were placed on limited duty and eventually admitted to a medical rehabilitation platoon. On 12 July 1990, you were screened by medical and found qualified for separation. On 13 July 1990, Director, Recruit Administration Center, recommended you be administratively separated with an entry level separation by reason of convenience of the government (COG) and suggested you be re-accessed for re-entry into the military at a later date. On 16 July 1990, you were notified of your impending administrative entry level separation by reason of COG due to a physical

condition that is not a disability. You waived your right to consult with counsel and to obtain copies of documents forwarded to the separation authority. Per a letter in your official military personnel file (OMPF) from Director, Recruit Administration Center, dated 17 July 1990, you had completed 24 days of Recruit Training. On 18 July 1990, your commanding officer (CO) added the following to his recommendation in your case:

...once documentation of resolution of this condition and subject individual has demonstrated physical ability to endure the rigors of Recruit Training, the recruit can be considered for reenlistment. It is anticipated that resolution should take approximately 6 months.

Additionally, a letter from Assistant Chief of Staff, Recruiting, dated 19 July 1990 documented that you were not retainable and recommended you be discharged by reason of COG and assigned a detectability code of Category III (no recruiting error). On 20 July 1990, you were so discharged.

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 contention that you were discharged as the result of a service connected disability and would like your Certificate of Release or Discharge from Active Duty (DD 214) to reflect such. The Board noted the characterization of discharge and separation reason you receive were appropriate and in accordance with the governing directives at the time. Additionally, the Board noted, as of 1 December 2008, Department of Veterans Affairs provided a service-connected disability rating of 20% for which you receive \$243.00 monthly. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your discharge was not erroneous since, in the short amount of time you were at Recruit Training you were unable to perform the physical tasks required. 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 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,

3/24/2022

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Executive Director

Signed by: █