



some pain which began approximately 6-7 months prior to your enlistment, that your medical condition rendered you unfit for full duty due to a physical disability which was neither incurred in, nor aggravated by, your period of active service, and that you did not meet minimum standards for enlistment or induction as a result of your condition. The report of the MedBd was reviewed and approved on 23 April 1987 by the Commanding Officer, Naval Hospital Camp ██████████, and forwarded with a recommendation for discharge due to physical disability. Accordingly, on 15 May 1987, you were discharged from active duty in an entry-level status with "Uncharacterized" service on 11 May 1987 due to a disqualifying, pre-existing physical disability and, as a result of your void reserve option contract, were released from further obligated reserve service.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your characterization of service based of your strong feeling that you completed boot camp and deserve to be considered a Marine along with your contention that you reinjured your leg while participating as a student at the Marine Corps School of Infantry. In addition to your contentions, the Board considered all relevant documents in your official record as well as the evidence you provided in support of your contention. The Board appreciated your honesty in reporting a pre-existing knee condition during induction; however, the Board assessed the medical note of "no disqualifying defect noted" as cursory. Rather, the Board gave significant weight to the fact that a competently convened MedBd reviewed your in-service medical records, to include x-rays revealing the nature of the stress fracture, and determined that the injury occurred prior to your active military service. Because you contend a "reinjury," the Board regarded your contentions in light of the presumption of regularity applicable to the findings of the MedBd. The Board observed that you did not provide any medical records or documentation to support a finding that the MedBd erred in its determination of your physical disability; specifically, you did not submit rebuttal evidence to establish such that the fracture might have been incurred or aggravated during your active service. As such, the Board concurred with the approved findings and recommendation of the MedBd.

Additionally, the Board considered whether relevant aspects of your length of service, the timing of your discharge, your reason for discharge, or your uncharacterized service, might constitute an injustice. To this extent, the Board factually observed: first, although the 164-day duration of your active obligated service (AOS) was intended to prepare you for transfer into the ready reserve, your physical disability rendered you disqualified for further service; second, although you were discharged within several days of your EAOS and your record indicates you would have otherwise received an "Honorable" discharge upon your transfer to reserve duty, the 160-day duration of your actual active service fell within an entry-level status. The Board specifically noted that, within the first 180 days of continuous active duty, entry-level separation (ELS) is appropriate upon discovery of a physical disability for which the enlistment would not have occurred had the *relevant* facts been known. Based upon the MedBd findings and opinions, the Board determined that your enlistment would not have occurred if your induction physical discovered your pre-existing stress fracture. Moreover, the Board acknowledged that a discharge will be described as an ELS with "Uncharacterized" service when separation processing is initiated in an entry-level status, with a limited exception when the presence of unusual circumstances involving personal conduct and performance of military duty renders an "honorable" characterization as clearly warranted and, only then, upon case-by-case approval of

the Secretary of the Navy. After a thorough review of your record, the Board found insufficient evidence to warrant such an exception. Accordingly, 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 is attached 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,

3/9/2022

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Executive Director

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