



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: 1209-22
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 11 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).

You enlisted in the Marine Corps and began a period of active service on 15 June 2004. On 18 June 2004, your record reflects you were dropped from Recruit Sustainment Program (RSP) for a history of back pain. On 22 June 2004, you underwent a medical evaluation. The evaluating physician recommended your separation from the Marine Corps because you did not meet the minimum standards for enlistment as set forth in Marine Corps regulation due to your history of multiple compression fractures of your lumbar spine. On the same day, you were notified of the initiation of administrative separation proceedings by reason of erroneous enlistment, at which point, you waived your right to consult with counsel. You were notified of the initiation of administrative separation 7 days from the date you entered onto active duty. On 1 July 2004, you were discharged with an uncharacterized character of service by reason of erroneous entry.

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 upgrade your characterization of service and your assertion that you disclosed your medical condition, that you were initially found to be medically fit, and later determined “not fit for service.” The Board noted that you were notified of your separation process within 180 days of the beginning of your period of active service. Applicable regulations direct an uncharacterized character of service if the processing of an individual's separation begins within 180 days of the individual's entry on active service. As a result, the Board concluded your uncharacterized entry-level separation remains appropriate. Finally, the Board determined you are not authorized to be awarded the National Defense Service Medal since you did not complete basic training. Accordingly, the Board found insufficient evidence of error or injustice to merit a change to your record.

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,

4/3/2022

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Executive Director

Signed by: █