



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. 2917-22
Ref: Signature Date

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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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 19 May 2022. The names and votes of the members of the panel 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 this 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.

A review of your record shows that you enlisted in the Marine Corps and commenced a period of active duty on 8 December 1993. On 6 January 1994, you were evaluated by a medical board, which found that you had osteochondromatosis of the shoulder, which existed prior to entry. On 18 January 1994, you were separated with an uncharacterized entry-level separation based on your shoulder condition, which existed prior to entry.

In your petition, you requested that your discharge be changed to a medical discharge. In support of your request, you submit that you have committed your life to being a Marine and that it was not your fault that the people at Military Entrance Processing Station did not understand your condition.

The Board carefully considered your petition but disagreed with your rationale for relief. In order to qualify for military disability benefits through the Disability Evaluation System with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. In denying your request for a medical discharge, the Board observed that there were no findings that you had a qualifying

disability condition while you were on active duty. Rather, the Board found that you were in fact discharged due to a shoulder condition that existed prior to entry into the Marine Corps. In making this finding, the Board relied on the medical board report which documented you had a history of osteochondromatosis before entering the Marine Corps. The Board was not persuaded by your argument that the Department of Veterans Affairs rated you for your shoulder condition based on the medical board report that clearly documents your condition existed prior to entry. In light of these findings, the Board did not find any error or injustice in your entry-level separation.

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,

6/14/2022



Executive Director

Signed by: HILL.ELIZABETH.ANNE.1106915438