



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. 3449-22
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 11 July 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 24 January 1994. You were referred to a physical evaluation board (PEB) due to a stress fracture of the pubic ramus bone. On 9 May 1994, the PEB issued its preliminary report, finding that you were unfit for duty with a 10% disability rating due to the stress fracture. The PEB recommended that you be discharged with severance pay, though, based your service being of less than 180 days, you did not qualify for severance pay. On 13 May 1994, you were provided the PEB preliminary findings, and you accepted those findings. On 27 June 1994, you were discharged with an uncharacterized characterization of service due to disability.

In your petition, you request that your discharge be changed from uncharacterized to Honorable due to physical disability. In support of your petition, you contend that the fracture that occurred was not your fault, and that it happened while you were on active duty. The Board carefully considered your arguments, including the entirety of your petition and all of its enclosures. The Board also reviewed your service and medical records. In review of these materials, the Board found no error in your record. The Board concluded there was no extraordinary circumstances involved in your case to merit an exception to a policy that requires an uncharacterized entry-level separation for service members discharged in their first 180 days of consecutive active duty

service. In the Board's opinion, the facts of your case are indistinguishable from countless of other service members discharged under similar circumstances. Accordingly, in light of the foregoing, the Board denied your petition.

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,

7/19/2022

