



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. 5238-22
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 16 February 2023. 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 went to a Military Entrance Processing Station (MEPS) on 17 April 1987 and completed a medical entrance physical exam. Your Entrance Physical Exam documented that you experienced bilateral knee pain starting at the age of 15 which was aggravated by football and that you underwent surgery on your left knee in 1985. MEPS found you qualified for enlistment and you commenced active duty on 1 September 1987. During your third week of recruit training you complained of bilateral knee pain. You underwent conservative treatment with anti-inflammatory medications and physical therapy but you returned on 31 October 1987 for joint tenderness in the left knee. You were referred to the Orthopedic Clinic where you were recommended to undergo a medical board.

On 2 November 1987, a Medical Evaluation Board (MEB) convened to review your knee pain. The MEB noted that you had a documented history of significant knee problems requiring surgery and that MEPS failed to fully evaluate your status prior to being cleared for enlistment. Upon examination, the MEB stated that your X-rays showed irregularity, degenerative joint disease, and spurs. The MEB determined your bilateral knee pain existed prior to entry, was not

aggravated by service, and recommended your separation. On 17 November 1987, you were discharged from the Marine Corps in the grade of E-1/Private with an entry level separation. The narrative reason for separation was physical disability existing prior to entry under Marine Corps Separation Manual (MARCORSEPMAN) paragraph 8404.

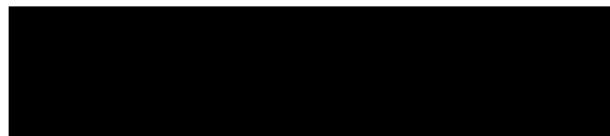
In your petition, you request a medical discharge vice an entry level separation. You argue that although you had a knee injury prior to your enlistment, your knee condition was aggravated during training and caused your separation from service.

The Board carefully reviewed your petition and the material that you provided in support of your petition and it disagreed with your rationale for relief. In reaching its decision, the Board reviewed your official military personnel file which included your Certificate of Release or Discharge from Active Duty (DD Form 214) and Medical Board Report. The Board noted you served in the Marine Corps 2 months and 17 days, thus in accordance with the MARCORSEPMAN at the time of your discharge you were in an entry-level status, having served in the military for less than 180 days. The Board further noted that the MEB found that you had a medical defect, recommended separation from service, that you were informed of the MEB decision, and that you did not offer a rebuttal. Finally, the Board noted that you signed acknowledgment of your narrative reason for separation on 10 November 1987. Therefore, the Board determined you were appropriately processed for discharge and your DD Form 214 is administratively correct.

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, _____

3/11/2023



Deputy Director

