



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. 7008-22
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 9 March 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 enlisted in the Marine Corps and commenced active duty on 18 May 1987. Your Certificate of Release or Discharge from Active Duty (DD Form 214) indicates you were discharged on 12 May 1988 with an Honorable characterization of service by reason of physical disability, existed prior to entry (EPTE), as determined by a medical board. You received a reentry code of RE-3P.

In your petition, you request a disability discharge, and removal of the "EPTE" from your DD Form 214. Specifically, you claim that you did not injure your ankle prior to service as it was not listed as an injury on your medical entrance exam and that you were injured while training on active duty.

The Board carefully reviewed your petition and noted that to justify correction of a naval record, an applicant must demonstrate that the record contains a material error or injustice. The Board relies on a presumption of regularity to support the creation of naval records. Thus, in the absence of substantial evidence to the contrary, the Board will presume that a record is valid as filed. The Board noted you provided no evidence supporting your contention that you injured

your ankle while in service, or that the medical board's determination was in error. Therefore, the Board determined you were appropriately processed for administrative discharge due to a physical disability existing prior to entry and that your DD-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,

3/31/2023

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Deputy Director

Signed by: 