



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. 401-23
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 27 April 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 17 December 1991. On 30 December 1991, you went to the sick call clinic complaining of left ankle pain. You were subsequently examined and diagnosed with left ankle tendinitis. On 13 January 1992, you were transferred to the Medical Rehabilitation Platoon, placed on light duty, and started with physical therapy. Upon evaluation you were diagnosed with left stress fracture and recommended for a medical board. Naval Hospital Beaufort South Carolina recommended referral to the Physical Evaluation Board (PEB) due to stress fracture in the left foot and multiple tendinitis right ankle. The medical board notified you of its recommendation and you elected not to submit a statement in rebuttal. On 8 April 1992, the PEB determined that you were unfit for duty based on stress fracture of the left foot and assigned a rating of 10% for the condition, warranting separation from the naval service. On 17 April 1992, you accepted your findings, separation from active duty at 10% disability. On 3 June 1992, you were discharged from the Marine Corps with an Uncharacterized Entry Level Separation.

In May 1993, the Navy Discharge Review Board (NDRB) reviewed your request to change your characterization of service from “uncharacterized” to “Honorable.” The NDRB determined there was no error and the separation should remain Entry Level Separation.

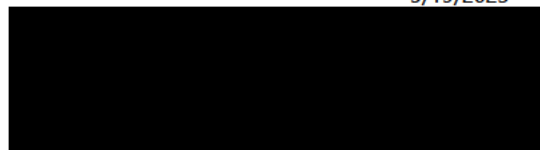
In your petition, you request a change to your character of service to honorable due to medical injuries vice an Entry Level Separation with an uncharacterized characterization of service. You argue you were injured on active duty service, that the injury caused your separation from service, and that an uncharacterized separation is not accurate and derogatory in nature.

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). The Board noted you served five months and 17 days, thus, in accordance with the Marine Corps Separations Manual (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 MARCORSEPMAN dictates that all personnel administratively separated from recruit training will be processed under entry level status except in limited cases where processing under a more serious basis is appropriate and where characterization of service under Other than Honorable conditions is warranted. In addition, the Board found that you signed acknowledgment of your narrative reason for separation on 17 April 1992. Finally, the Board noted that an entry level/uncharacterized separation is not derogatory. Therefore, the Board determined you were appropriately processed for discharge, your DD Form 214 is administratively correct, and there is no error or injustice warranting correction 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,

5/19/2023

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Deputy Director

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