



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No. 1472-23
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 application 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your record shows that you completed an entrance medical exam on 27 August 2003, which did not state that you had a diagnosis of ulcerative colitis. You entered active duty in the U.S. Marine Corps on 2 December 2003. On 8 December 2003, the Branch Medical Clinic at ██████████ obtained your civilian medical records indicating that you were diagnosed with ulcerative colitis in February 2001. On 10 December 2003, you were counseled regarding separation by reason of Defective Enlistment and that you were not recommended for reenlistment. On 15 December 2003, you were separated with an uncharacterized characterization of service. Your Certificate of Release or Discharge from Active Duty (DD Form 214) states the narrative reason for separation was fraudulent entry into military service.

[REDACTED]

In your petition, you contend your recruiter did not inform you that you could not enter the military with ulcerative colitis, and you believe your discharge characterization is unjust as you voluntarily told the truth regarding your condition three days into boot camp. You additionally commented in your petition that you were given a dishonorable discharge.¹

The Board carefully reviewed your petition and the material that you provided in support of your petition, and disagreed with your rationale for relief. In reaching its decision, the Board noted that the Marine Corps Separation Manual (MARCORSEPMAN), requires all personnel during recruit training who have been found unqualified for further service during the first 180 days of service to be administratively separated under uncharacterized/entry level separation.

The Board noted that you served on active duty for a total of 14 days and that you did not disclose your medical condition during the August 2003 medical exam. Moreover, the Board found there was no evidence in your record demonstrating any exceptional circumstance to warrant an honorable discharge. Consequently, the Board determined that your administrative discharge with an Entry-Level Separation was valid 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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

5/25/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]

¹ Your DD Form 214 ending on 15 December 2003 is an Entry-Level Separation and your character of service is uncharacterized. There is no record of you ever receiving a dishonorable discharge.