



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. 6279-23
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 you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 8 February 2024. 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, to include the Kurta Memo.

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 entered active duty in the Marine Corps on 4 November 2002. On 18 February 2003, you were counseled that your physical condition, vitiligo, interfered with your duties, specifically: rigorous exercise, conditioning hikes, and field duty. The Medical officer recommended administrative discharge due to a physical condition not a disability, existing prior to entry. On 11 March 2003, you were notified of discharge from the Marine Corps with an uncharacterized characterization of service due to a "physical condition, not a disability." You signed paperwork stating you understood your separation reason and waived your right to counsel and right to make a rebuttal statement. You were subsequently discharged on 10 April 2003 and received an uncharacterized entry-level separation characterization of

service. The endorsement of your administrative discharge, dated 8 April 2003, states condition not a disability as the narrative reason for separation.

In 2019, you petitioned the Board requesting an upgrade of your discharge. You claimed your discharge was in error and unjust because you excelled as a Marine, the vitiligo had not been diagnosed before you entered the military, and finally that you were discharged not due to misconduct but due to active-duty injuries, specifically fractures of your first and fifth metatarsals and right tibia. The Board denied this request, finding the discharge proper and equitable. Specifically, the Board noted that 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 and you did not rate a medical discharge as the MARCORSEPMAN dictates that all personnel administratively separated from recruit training will be processed under entry-level status except in limited cases where a service member's performance or conduct was so meritorious it would warrant an Honorable characterization. The Board did not find any evidence in your record to warrant that change.

For this petition, you request an Honorable characterization of service and the narrative reason for separation to be changed to medical discharge vice physical condition not a disability. You contend that you have service-connected disabilities to include post-traumatic stress disorder (PTSD), major depression, and anxiety due to drill instructor abuse. You included a letter, dated 18 December 2019, from a medical provider who stated that you had a PTSD diagnosis.

The Board carefully reviewed your petition and the material you provided in support of your petition and it disagreed with your rationale for relief. In keeping with the letter and spirit of the Kurta Memo, the Board gave liberal and special consideration to your record of service, and your contentions about any traumatic or stressful events you experienced, and their possible adverse impact on your service, to include whether they qualified you for the military disability benefits you seek.

First, the Board noted your record clearly shows you were separated from service for a condition that was deemed to exist prior to your entry into military service – vitiligo. The Board determined that, more likely than not, you entered the Marine Corps with the condition that was a disqualifying physical condition as symptoms related to your vitiligo arose less than three months on active duty service. Specifically, the Board noted a 6 September 2002 medical exam and a 13 February 2003 medical note which stated you were diagnosed with vitiligo prior to military service.

Secondly, the Board found no evidence that you suffered from a mental health condition while on active duty. In addition, the Board noted you were diagnosed with PTSD in 2018, nearly fifteen years after your discharge. Therefore, the Board did not find this evidence sufficient to show an error or injustice regarding your discharge.

Finally, the Board concurred with its previous decision that you were appropriately assigned an uncharacterized entry level separation based on your time on active duty and the circumstances of your case. The Board was not persuaded by your arguments of drill instructor abuse and noted that there is no evidence in your record that you ever raised such a claim while on active

duty. Consequently, the Board determined that your administrative discharge was valid and there is no error or injustice in your record warranting correction. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

3/19/2024

