



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 6862-09  
4 June 2010

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 June 2010. 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, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

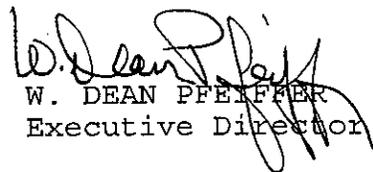
You enlisted in the Marine Corps on 14 March 1994 at age 19. On 30 March 1994 you were recommended for an administrative separation after being diagnosed with a knee injury, specifically, left knee pain secondary to a metallic foreign body in the joint space, a condition which you were unaware of, but existed prior to your enlistment.

On 12 April 1994 you were notified of pending administrative separation by reason of erroneous entry due to failed physical standards as evidenced by the diagnosed knee pain which existed prior to your enlistment. At that time you did not object to the separation and waived your right to submit a rebuttal statement to the aforementioned notification. Subsequently, the separation authority directed an uncharacterized entry level separation by reason of erroneous entry. On 15 April 1994 you were so separated and assigned an RE-3P reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to characterize your discharge as honorable for political purposes. Nevertheless, the Board concluded these factors were not sufficient to warrant characterization of your separation because you did not complete recruit training and as such served for less than 180 days, which is required for characterization of service. Finally, uncharacterized entry level separations are authorized by regulations and required for Marines who are separated due to their failure to complete recruit training. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

  
W. DEAN PFEIFFER  
Executive Director