




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


Docket No. 6550-16
MAR 27 2017



Dear 

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 February 2017. 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.

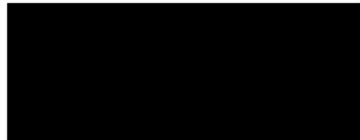
A review of your record shows you entered active duty with the Marine Corps in May 2012. You were placed on limited duty on 16 September 2015 for lumbar spondylosis and somatic dysfunction of the lumbar region but were medically cleared for separation on 7 April 2016. You were discharged on 14 May 2016 at the end of your obligated active service with a RE-1A reentry code.

The Board carefully considered your arguments that you deserve a disability retirement based on your back condition. Unfortunately, the Board disagreed with your rationale for relief. Despite your previous period of limited duty, a physician determined your conditions did not warrant a referral to a medical board prior to your discharge. You acknowledged this finding on 5 April 2016 when you were counseled that you were found "physically qualified to separate or retire, which means that no medical condition has been noted that disqualifies you from the performance of your duties or warrants disability evaluation system processing." This finding and the corresponding reentry code issued by the Marine Corps that did not prevent you from reenlisting convinced the Board that your narrative reason for separation is correct. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application. The names and votes of the members of the panel will be furnished upon request.

In regard to your request for a personal appearance, be advised that the Board regulations state personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of the record.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director