



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

[REDACTED]  
Docket No: 6612-16

SEP 14 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 26 June 2017. 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.

You began a period of active duty in the Marine Corps on 23 June 2014. On 8 October 2015, Commanding Officer, [REDACTED] Combat Engineer Battalion notified you of administrative separation proceedings against you on the basis of Defective Enlistment and Fraudulent Entry for failing to disclose a medical condition (asthma) prior to enlistment. Your Commanding Officer notified you that an under Other than Honorable conditions was the worst characterization of service you could receive. You waived your right to appear before an administrative separation board, and on 19 November 2015, your Commanding Officer forwarded his recommendation that you receive a General (under Honorable conditions) discharge. On 8 December 2015, you were discharged from the Marine Corps with a General (under Honorable conditions) characterization of service and a reenlistment (RE) code of RE-4.

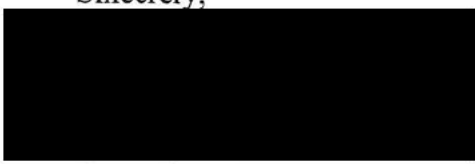
The Board considered your request for a change to your RE-4 code, and noted that you believe the code to be improper because you received a Good Conduct Medal for your service and because your recruiter did not advise you that you needed a waiver for asthma at entry. When making its determination, the Board noted that you state that the need for a waiver was discovered later in your service and that it was not your fault that you failed to disclose.

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. The Board noted that you received a medical screening prior to enlistment and that you failed to disclose your asthma during that screen. The Board found that you had a duty to honestly respond to questions about your health at the time of the screening. The Board determined that you did not provide sufficient information to support your contention that your duty to answer honestly was abridged by the actions of your recruiter.

In the administrative separation paperwork, your Commanding Officer noted in a 19 November 2015 letter that you had a long history of Moderate-Severe Persistent Asthma that was not disclosed. Your Commanding Officer remarked that the condition is permanent and is not compatible with continued military service. The Board noted that a 1 October 2015 letter from the Battalion Surgeon states that you have had "Asthma 10-12 times and even been hospitalized and intubated prior to your enlistment." Taking into consideration your history of asthma, your knowledge of your condition, your failure to disclose the condition on your medical screening, and the permanence of the asthma, the Board concluded that the RE-4 was properly issued. Accordingly, your application has been denied.

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,

  
Executive Director