



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

[REDACTED]  
Docket No. 7586-16

APR 08 2017

[REDACTED]  
Dear [REDACTED]

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

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 case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 March 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.

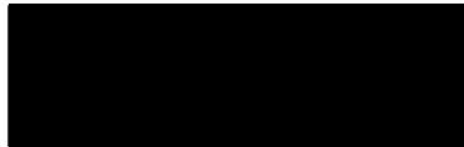
A review of your record shows that you entered active duty with the Navy on 1 July 1980. You reported back pain to medical on 9 Jul 1980 and disclosed that you previously injured your back in a train accident prior to enlisting and failed to disclose the information during your entrance physical. On 15 July 1980, a medical board determined you did not meet physical enlistment standards and were enlisted in error. You were discharged on that basis on 18 July 1980 with an Honorable characterization of service.

The Board carefully considered your arguments that you deserve a disability discharge based on your back injury. Unfortunately, the Board disagreed with your rationale for relief. The Board concluded that sufficient evidence exists to show you injured your back prior to entering the Navy and failed to disclose that injury as part of your enlistment processing. Eventually, you aggravated your injury within 8 days of reporting to basic training. This convinced the Board you were improperly enlisted since you did not meet physical standards for enlistment with your prior back injury. The Board determined that you would not have qualified for enlistment if you had disclosed your prior injury based on the medical board report. 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.

Regarding your request to change your DD Form 214 to reflect your status as a high school graduate, Board regulations require that you exhaust your administrative remedies prior to applying to this Board for relief. You must first submit your request to the Department of Navy, Navy Personnel Command (BUPERS), 5720 Integrity Drive, Millington, TN 38055-3120 to request your DD Form 214 be changed to reflect your high school education status.

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