



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

[REDACTED]
Docket No. 7837-16
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.

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

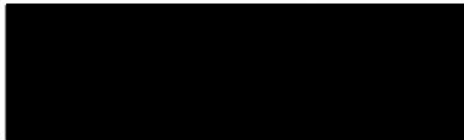
A review of your record shows you entered active duty with the Marine Corps on 8 December 2015. You were diagnosed with a left knee ligament tear on 28 January 2016 and recommended for administrative separation for convenience of the government, condition not a disability on 3 February 2016. On 8 February 2016, you were counseled for minor disciplinary infractions that stemmed from an assault. You were notified of administrative separation for your knee condition and the assault the same day. You acknowledged your rights and chose not to submit a statement. As a result, you were discharged on 1 March 2016 for entry level performance and conduct. Your reentry code is consistent with your narrative reason for separation.

The Board carefully considered your arguments that you deserve a discharge for convenience of the government, condition not a disability. You assert the assault occurred earlier in basic training and was not the basis for your separation. Unfortunately, the Board disagreed with your rationale for relief. First, you presented no evidence to support your assertion that the assault occurred earlier in your career and was not the basis for your separation. Second, the Board relied upon your administrative separation notification, a document that you acknowledged, that showed the basis for your separation was your misconduct and knee condition. These two factors convinced the Board that the Marine Corps' actions in your case were supported by the evidence and in accordance with regulations. 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.

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