



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

[REDACTED]
Docket No. 7847-16

APR 24 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 30 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 in May 2013. You were placed on limited duty for right hip pain in 2014 that was extended to a second period of limited duty on 28 October 2015. In the meantime, you failed to maintain body composition standards and were twice placed on the Body Composition Program. After failing to make satisfactory progress during your second stint on the Body Composition Program, you were recommended for administrative separation. On 22 January 2016, you were released from limited duty status and returned to full duty. You were notified of administrative separation processing for condition not a disability and unsatisfactory performance. After acknowledging your rights, you were discharged with a General characterization of service.

The Board carefully considered your arguments that you were suffering from a back condition that was unfitting at the time of your discharge. You assert that you deserve a disability discharge based on your back condition. Unfortunately, the Board disagreed with your rationale for relief. The Board noted that you were medically cleared for separation twice prior to your discharge. First, you were determined to be medically qualified for separation during your separation physical on 23 November 2015. This physician documented your complaints of back pain and periods of limited duty but explicitly stated that your condition was not considered a disability. The Board also relied upon your reinstatement to full duty status on 22 January 2016 as further evidence that your back condition was not a disability that would result in a finding of

unfitness for continued naval service. This last piece of evidence was conclusive to the Board since a medical board determined you were fit for full duty. Finally, the Board found that your narrative reason for separation was appropriate considering your failure to maintain body composition standards despite twice being assigned to the Body Composition Program. 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,



Executive Director