



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

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Docket No: 9747-19
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 October 2020. 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, relevant portions of your naval record, and applicable statutes, regulations, and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps on 14 March 1995. According to the information in your record, on 27 November 1996, you consented to being discharge in lieu of your normal date of discharge or release, which was scheduled for 13 March 1999. Presumably, at an unidentified time, you received a medical examination which determined you were pregnant. As a result, you requested to be discharged from the Marine Corps due to being pregnant. Although the Board lacked your entire service record, the Board relied on a presumption of regularity that you were notified of the recommendation that you be discharged by reason of pregnancy. Your commanding officer recommended an honorable characterization of service due to pregnancy. The discharge authority approved this recommendation and directed an honorable

characterization of service, a separation code of KDF1 and a reentry code of RE-3N. On 27 November 1996, you were discharged. As stated previously, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to rebut the presumption to include evidence submitted by the Petitioner, the Board presumed that you were properly discharged from the Marine Corps with the correct separation and reentry codes.

The Board carefully weighed all potentially mitigating factors, such as your desire to change your reentry and separation codes and contentions that your reentry and separation codes should reflect a dependency or hardship discharge and you were told that the Department of Veterans Affairs (DVA) services would be available to you after discharge. However, the Board found that these factors were not sufficient to warrant changing your reentry and separation codes.

In regard to your contention that your reentry and separation codes should reflect a dependency or hardship discharge, the Board noted that there is no evidence in your record, and you submitted none, to support your contention. The Board also noted that based on the separation authority on your Certificate of Release or Discharge from Active Duty (DD Form 214), you received the correct reentry and separation code based on your request to be discharge due to pregnancy. Regarding your contention that you were told DVA benefits would be available to you after discharge, the Board noted this is a matter under the cognizance of the DVA and you may contact the nearest office of the DVA concerning your right to apply for benefits. If you have been denied benefits, you may be able to appeal that denial under procedures established by the DVA.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/18/2020



Executive Director

Signed by: 