



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



Docket No. 9720-23  
Ref: Signature Date



Dear Petitioner:

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

Although you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 23 May 2024. 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, to include the Kurta Memo.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your record shows that you entered active duty in the Marine Corps on 8 June 1987. An 11 June 1987 medical record reveals a physician recommended an entry-level separation. On 16 June 1987, the Branch Medical Clinic, Marine Corps Recruit Depot, Parris Island noted you were considered physically qualified for separation from active duty, and that no defects were noted which would have disqualified you from the naval service. Furthermore, the record states you were separated from naval service by an aptitude board due to sick call visits. On 22 June 1987, you were discharged and received an uncharacterized entry-level separation characterization of service. Your DD Form 214, Certificate of Release or Discharge from Active Duty states entry level performance and conduct as the narrative reason for separation.

You are requesting an upgrade of your discharge from uncharacterized to an honorable medical discharge. You contend you had an ovarian cyst during basic training, which, along with the stress

of basic training, caused you to pass out. You further claim you were not properly medically evaluated at the time; resulting in you being unjustly denied a medical discharge. To support your contention, you included medical records showing that you had an ovarian cyst removed in May 1988.

The Board carefully reviewed your petition and the material you provided in support of your petition, and it disagreed with your rationale for relief. In keeping with the letter and spirit of the Kurta Memo, the Board gave liberal and special consideration to your record of service, and your contentions about any traumatic or stressful events you experienced, and their possible adverse impact on your service, to include whether they qualified you for military disability benefits.

The Board determined your discharge proper and equitable. Specifically, the Board noted you served 15 days on active duty and in accordance with the Marine Corps Separations Manual (MARCORSEPMAN), at the time of your discharge you were in an entry-level status, having served in the military for less than 180 days. Consequently, you did not rate a medical discharge as the MARCORSEPMAN dictates that all personnel administratively separated from recruit training will be processed under entry-level status except in limited cases where a service member's performance or conduct was so meritorious it would warrant an honorable characterization. The Board did not find any evidence in your record to warrant that change.

In addition, the Board found your record clearly shows you were separated from service due to entry level performance and conduct; you were not participating in training. There was no evidence that you "passed out" while in training; instead, there was evidence of headaches and migraines. Finally, the Board noted you were on active duty for two weeks and you were not treated for the ovarian cyst until nearly one year after your discharge from the Marine Corps. Consequently, the Board determined there is insufficient evidence you incurred the cyst while on active duty, and there is insufficient evidence that this condition was aggravated by your service, causing "leakage and infection in [your] body." Therefore, the Board determined that your administrative discharge was valid and there is no error or injustice in your record warranting correction.

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,

6/26/2024

