



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. 2301-24
Ref: Signature Date

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Dear █

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 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, sitting in executive session, considered your application on 8 August 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.

A review of your record shows, on 9 October 1998, you disclosed a left wrist surgery in October 1997 at your medical processing examination. You passed your medical examination and entered active duty in the Marine Corps on 24 August 1999. On 19 November 1999, you were counseled for entry-level separation (ELS) due to wrist pain caused by your preexisting wrist injury. On 24 November 1999, you received notification of administrative separation due to defective enlistment and induction - erroneous enlistment. You signed paperwork stating you did not object to this discharge, waiving your right to counsel and rebuttal. You were subsequently discharged, on 1 December 1999, for Defective Enlistment & Induction – Erroneous with an uncharacterized entry level separation.

You are requesting an upgrade of your discharge from uncharacterized to an Honorable medical discharge. You contend you disclosed your medical issue when you enlisted and that the uncharacterized discharge means the opposite.

The Board carefully reviewed your petition and the material you provided in support of your petition and disagreed with your rationale for relief. The Board determined your reason for separation and assigned uncharacterized entry level separation remains appropriate.

First, the Board service regulations direct the assignment of an uncharacterized entry level separation for members processed for administrative separation within their first 180 days of active duty. While there are exceptions to this policy in cases involving misconduct or extraordinary performance, the Board determined neither applied in your case.

Second, the Board found no basis to change your reason for separation to medical. Based on your record, you were properly processed and separated for erroneous entry since you were allowed to enter active duty despite possessing a disqualifying physical condition, i.e. your pre-existing wrist injury. The fact this pre-existing wrist injury was later aggravated was not persuasive evidence to the Board that you deserve to be processed for a disability condition, instead of erroneous enlistment, since it preexisted your entry into the Marine Corps, as documented in your enlistment physical, and should have prevented your enlistment. Therefore, the Board found insufficient evidence of error or injustice to warrant a change to your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

9/9/2024

