



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. 6458-24
Ref: Signature date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552.

Your application was not filed in a timely manner. A three-member panel of the Board, sitting in executive session, considered your application on 11 July 2024. After careful and conscientious consideration of the entire record, the Board determined that it would not be in the interest of justice to excuse your failure to submit your application in timely manner. Specifically, you contend it would be in the interest of justice to excuse your failure to submit your application in timely manner because you did not receive your Department of Veterans Affairs (VA) rating until 2021 and because your petition is partially a clemency request based on post-service good conduct. The Board determined, however, these were insufficient reasons to excuse your failure to submit your application in timely manner. In reaching this conclusion, the Board found that you were discharged nearly twenty years ago and served a total of two months and three days on active duty. The Board noted the Marine Corps Separations Manual (MARCORSEPMAN), authorizes separation of a member during the first 180 days of service when the member has been found unqualified for further service and specifies that the separation will be uncharacterized and described as Entry-Level Separation. Further, the Board was not convinced that the discovery of error or injustice is tied to the assignment of your VA rating since you argue that your injuries occurred in 2005. Therefore, absent any supporting evidence, the Board determined it was not in the interests of justice to waive the statute of limitations in your case.

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 the 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,

7/16/2024

