



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

██████████  
Docket No. 6560-24  
Ref: Signature Date

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██  
████████████████████

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 6 September 2024. The names and votes of the panel members 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 the 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 and commenced a period of active duty on 6 January 1978. On 27 March 1978, a medical board diagnosed you with preexisting asthma after admitting to suffering from asthma symptoms since 1974. As a result of your failure to meet physical standards you were recommended for administrative discharge. On 29 March 1978, you elected not to be furnished with the narrative reason for separation. On the same day, you were discharged with an Honorable characterization of separation by reason of convenience of the government.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. These included, but were not limited to, your desire to change your DD Form 214 to reflect more than 84 days of service and your contention that your DD Form 214 is incorrect, you were not represented appropriately during your separation, your youth played a factor in your discharge, and you are seeking to qualify for veterans' benefits. For purposes of clemency and equity consideration, the Board considered your personal statement.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your DD Form 214 accurately documents your period of active duty. In making this finding, the Board noted you provided no evidence, other than your statement, to substantiate your contention that you served more than 84 days on active duty, were denied due process, or treated unfairly due to your youth. Further, absent a material error or injustice, the Board declined to summarily change a record solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. 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,

9/26/2024

