



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

Docket No. 7874-24
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 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 4 November 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, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie 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.

You enlisted in the Marine Corps and commenced active duty on 16 March 1992.

Your Recruit Evaluation Card (REC) indicates that from 28 March 1992 to 2 May 1992, you struggled with physical training, dropped out of five runs, and were assigned extra supervision and counseling to assist you with your physical endurance. On 2 May 1992, you completed phase 2 of recruit training. On 4 May 1992, you reported to medical, complaining of right knee pain and swelling and were placed on twenty-four hours of light duty. On 26 May 1992, you reported to medical complaining of severe pain in your right knee, thigh, and ball of foot when walking or standing for long periods of time and were again placed on twenty-four hours of light

duty. On 26 May 1992, you reported to medical complaining of right leg pain that had progressively worsened since 22 May 1992. Your REC indicates that on 27 May 1992, you returned to your platoon on crutches with your left leg in a brace. Your Senior Drill Instructor (SDI) recommended your transfer to the Medical Rehabilitation Platoon (MRP) due to being on light duty since 23 May 92 and a possible stress fracture. The SDI also indicated that you stated you had considered Drop on Request (DOR), but it was no longer an available option. The REC indicates you were screened for allegations twice, and you made no allegations. On 28 May 1992, you were sent to MRP and placed on bed rest. The MRP SDI interviewed you and you stated that you wanted to go home, wanted to DOR, and that you spoke to a Chaplain upon your request.

On 2 June 1992, you received X-rays and a bone scan and continued on light duty and physical therapy. On 14 June 1992, you visited with your mother in the visitor's center. On 16 June 1992, your bone scan returned a normal result. On 18 June 1992, you were seen by a mental health provider who indicated that you had several extensive medical tests which had not uncovered any organic/anatomic/physiological cause of your pain and that you disclosed pre-service sexual trauma. You were diagnosed with adjustment disorder with depressed mood and physical complaints, and Dependent Personality Features. The mental health provider recommended entry-level separation. You were interviewed by your SDI and Company Commander (CC) who both indicated that you stated you did not want to remain in the Marine Corps. Your CC screened you for allegations and you made no allegations. Your CC further indicated that you had a positive view of the Marine Corps, but did not want to be a part of it. Your CC recommended entry-level separation, and your Battalion Executive Officer concurred and also indicated that you had been screened for allegations and made no allegations. On 22 June 1992, you were notified of pending administrative separation processing with an Entry Level Separation due to entry level performance or conduct as evidenced by your failure to adapt to the Marine Corps environment. You waived your rights to consult counsel or submit a statement in rebuttal. The Separation Authority subsequently directed your discharge and you were discharged on 25 June 1992.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change your discharge characterization of service and your contentions that you were injured in boot camp and were treated like you were faking your injuries; that you reported an unnecessary pelvic exam by a doctor, but nothing was done by your chain of command; and that you were told you would receive a medical discharge.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your records contained no evidence to support your contentions, and you provided no evidence, other than your personal statement. Your service records indicate that you received extensive testing, including a bone scan, for physiological sources of your pain, with negative results; you were screened for allegations at least three times with negative results; and your discharge processing paperwork clearly stated that you would receive an entry level separation by reason of entry level performance and conduct as evidenced by your failure to adapt to the Marine Corps environment. The Board further noted that your uncharacterized, entry level discharge indicates that you did not serve on

active duty for the requisite period of time to receive a characterized discharge. You served a total of three months and ten days of active service, which fails to meet the minimum period of required active-duty service of greater than one hundred-eighty days that was required by both Service and Department of Defense regulations. Therefore, the Board found no evidence of either error or injustice in your uncharacterized, entry-level discharge due to entry level performance and conduct. 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,

1/27/2025

