



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. 8365-24
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.

A three-member panel of the Board, sitting in executive session, considered your application on 5 December 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 that you enlisted in the Marine Corps and began active duty service on 23 January 2023. During receiving week and prior to training, you experienced a loss of consciousness (LOC) on 26 January 2023 while “standing watching the rifle case with one other recruit.” You were taken to ██████████ Emergency Room and neurology due to suspicion of a seizure. Your CT scan was unremarkable, and your labs and EKG were within normal limits; consequently, you were cleared for training. Prior to being picked up by a platoon you had a second, third, and fourth LOC episode on 6 March 2023 and 6 April 2023, and 12 April 2023, respectively. You were again evaluated for seizures to include CT scan, labs and EKG, which again showed normal results.

On 5 May 2023, you were recommended by qualified medical personnel for administrative separation for a condition not amounting to a disability. The recommendation was reviewed and endorsed by three Medical Evaluation Board (MEB) members. The MEB determined that you have a condition that renders you unsuitable for military service but does not amount to a physical or mental disability. On 8 May 2023, you acknowledged your Article 31 rights, waived

consultation with counsel, did not rebut the separation and acknowledged that your condition did not qualify as a naval service disability. Accordingly, you were discharged on 15 May 2023. Your Certificate of Release or Discharge from Active Duty (DD Form 214) states an Uncharacterized characterization of service and narrative reason for separation as Condition Not a Disability.

For this petition, you request to be placed into the [Disability Evaluation System (DES)] so that you can be medically retired. You contend that, although the exact cause of your condition is unknown, you did not exhibit any symptoms of your condition until after you enlisted and arrived at the [REDACTED]. You also contend that you were improperly denied review by a "Medical Examination Board," which denied you the ability to receive a medical retirement or any other benefits he would have been entitled to due to your condition that was caused by, or aggravated by, military service.

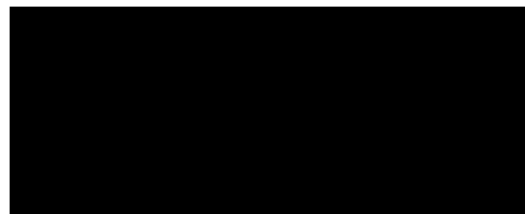
The Board carefully reviewed your petition and the material that you provided in support of your petition and disagreed with your rationale for relief. The Board found insufficient evidence to disregard the 5 May 2023 recommendation for administrative separation from a qualified medical professional, which included the MEB's concurrence, and was in compliance with the cited law and policy. The recommendation noted that "there is no basis for referral to the [DES] on the basis of this condition or any other co-morbid condition." Applying a presumption of regularity, the Board concluded that if you actually had a medical condition under circumstances that warranted your referral into the DES, you would have been so referred.

In addition, the Board determined your discharge is proper and equitable. Specifically, the Board noted you were in an entry-level status, having served in the military for less than 180 days. Per relevant policy, 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. Consequently, the Board determined that your administrative discharge was valid, your characterization was proper, 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,

1/31/2025

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