



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

Docket No. 11782-24
Ref: Signature Date

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 was 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 20 February 2025. 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.

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.

A review of your record shows that you enlisted in the Marine Corps and commenced active duty on 9 September 2024. On 24 October 2024, your commanding officer recommended to [REDACTED], that you be separated due to routine entry level separation as a result of your diagnosis with chronic left knee pain and that the fact you did not meet the minimum standards for enlistment. On 25 October 2024, the Commanding General, Marine Corps Recruit Depot, [REDACTED] provided you a letter notifying you that you were being involuntarily discharged from the Marine Corps, effective 30 October 2024, due to condition, not a disability. You were so discharged on 30 October 2024.

In your petition, you have requested to have your discharge changed from condition, not a disability, to a disability discharge. In support of your request, you contend that the Marine

Corps knew about your knee condition prior to your entry and that your knee condition was aggravated during service; which resulted in ligament tears and surgeries post service.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board determined that it found no error or injustice in your naval records with respect to your discharge from service and the reason for your separation. In reaching its decision, the Board observed that it applies a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. In your case, the Board observed that you were diagnosed with a condition that was specifically found to be a condition, not a disability. The records demonstrate that this condition was promptly identified early in your service, and you were appropriately separated consistent with Marine Corps policy. The Board further observed that available records demonstrate that your knee condition was preexisting to your service in the Marine Corps. Under these circumstances, and after a thorough review of the materials you provided as well as your service record, the Board was unable to find that you provided sufficient material to overcome the presumption of regularity. 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,

3/12/2025

