



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

TJR
Docket No: 4987-12
18 July 2012

[REDACTED]

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

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 July 2012. 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, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Your record reflects that on 13 December 2006 you began a period of active duty in the Marine Corps and served for four years without disciplinary incident. On 15 November 2010, following completion of your separation medical and/or dental evaluations, and being advised of the requirements pertaining to the Transitional Assistance Management Program, you began a period of terminal leave which was to end on 12 December 2010 at the expiration of your active service.

On 8 December 2010 you were admitted to the University of Virginia Health System (UVAHS) for emergency medical care. On 12 December 2010 you were honorably released from active duty at the end of your active service, thus ending your period of terminal leave. Two days later, on 14 December 2010, you were discharged from UVAHS.

The Board, in its review of your entire record and application, which included documentation for in/out-patient care at UVAHS during the period from 15 December 2010 to 11 November 2011, carefully weighed all potentially mitigating factors, such as your assertion that the date of your release from active duty should be changed to reflect the date you were discharged from medical care at UVAHS. Nevertheless, the Board concluded these factors were not sufficient to warrant relief because your record does not reflect the required documentation, which states in part, that you were to "Contact your parent command when there was a change in your duty station while on terminal leave." Your record does not contain any such documentation from you or any family members nor does it reflect that you or any family member attempted to contact your command or a personnel administration center to inform them that you were hospitalized on the day of your expiration of active service. Further, there are no regulatory guidelines or requirements to adjust or change a Marine's release from active duty date based solely on his/her release from medical treatment. Finally, there is no evidence which reflects that the in/out-patient treatment you received should not have been transferred and/or referred to a Navy/Marine Corps hospital or veterans' facility, or that you sought out such a transfer or referral. Accordingly, your application has been denied.

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 submission of new and material evidence or other matter not previously 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,


W. DEAN PFEIFFER
Executive Director