



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

TJR  
Docket No: 472-13  
24 October 2013



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 16 October 2013. 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.

You enlisted in the Marine Corps, began a period of active duty on 19 November 1971, and served without disciplinary incident. Subsequently, you were referred for a medical evaluation. As a result, you were diagnosed with degenerative arthritis of the left elbow which existed prior to your enlistment, found to be unsuitable for further naval service, and recommended for an expeditious administrative discharge.

Subsequently, you were notified of pending administrative separation action by reason of erroneous enlistment due to the diagnosed degenerative arthritis, and it appears that you did not object to the discharge. As such, your commanding officer recommended discharge by reason of erroneous enlistment due to the diagnosed degenerative arthritis. The discharge authority approved this recommendation and directed an honorable discharge by reason of erroneous enlistment, and on 2 February 1972 you were so discharged and assigned an RE-3P reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your narrative reason for separation. It further considered your assertion that you were only 17 days shy of being eligible for veterans' benefits. In this regard, the Board noted that an individual must serve on active duty for no less than 180 days to be eligible for veterans' benefits, and your record reflects that you served for one month and 14 days. Nonetheless, you should contact your nearest Department of Veterans Affairs (DVA) office to seek a determination as to whether or not you earned benefits based on your period of service, as this is a matter under their cognizance. Further, if you have been denied DVA benefits, you should appeal that denial under the procedures established by the DVA. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of your diagnosed degenerative arthritis which existed prior to your enlistment. Finally, there is no evidence in the record, and you submitted none, to support your assertion. 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