



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

SJN
Docket No: 4961-14
6 May 2015

[REDACTED]

Dear [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.

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 for Correction of Naval Records, sitting in executive session, considered your application on 5 May 2015. 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 and began a period of active duty on 13 May 1991. On 12 July 1991, a medical board diagnosed you with having migraine headaches that existed prior to your entry into the service. It was recommended that you be separated from the service. After being afforded all of your procedural rights, you received an entry level separation due to a physical disability existing prior to your entry.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your short period of service, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of

service given your diagnosed condition that existed prior to your service. With regard to your characterization of service, the Board noted that you were notified of your separation process within 180 days of the beginning of your period of active service. Marine Corps regulations authorize an uncharacterized entry level separation if the processing of a Marine's separation begins within 180 days of his entry on active duty. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director