



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

ES
Docket No: 8590-14
7 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 of the 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 15 April 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.

You enlisted in the Marine Corps on 13 August 1990. Your record reflects that shortly thereafter you reported having painful feet, symptoms of which occurred during normal activities of recruit training. On 23 April 1991, as a result of a medical evaluation, you were diagnosed with bilateral pes planus which was symptomatic with military training and recommended for an administrative separation.

Subsequently, you were processed for separation by reason of a physical disability that existed prior to enlistment, specifically, the diagnosed bilateral pes planus. In this regard, on 5 February 1992, you were honorably discharged by reason of a physical disability and assigned an RE-3P reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service and desire to have your narrative reason for separation "physical disability existing prior to entry" removed from your DD Form 214. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant relief in your case because you provided no evidence contrary to the Marine Corps' determination that your bilateral pes planus was a pre-existing condition. 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