



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

█  
Docket No: 2687-21  
Ref: Signature Date

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Dear █

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 insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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, sitting in executive session, considered your application on 7 June 2021. The names and votes of the panel members will be furnished upon request. Your allegations of error or injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the 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, applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the U.S. Navy and began a period of active duty on 6 October 1980. You were honorably discharged on 3 April 1984 and subsequently reenlisted. On 1 August 1984, you were placed on the command's Weight Control Program (WCP). On 17 April 1985, you received a counseling entry reassigning you to the WCP, which noted in the event the examination indicates that you continued to demonstrate nonadherence to the proper dietary regimen and/or your overweight condition such as to render your military not suitable, and you may be administratively separated. On 28 April 1986, you met all standards and were removed from WCP. You were honorably discharged on 11 February 1987 and subsequently reenlisted.

On 24 March 1988, you received a counseling entry advising you of paragraph 3620260 of the MILPERSMAN (separation of enlisted personnel at the convenience of the government – Alien) and Section 315 of the Immigration and Nationality Act, 8 United States Code 1426, that if you

are discharged as an "alien", you will become permanently ineligible to become a U.S. citizen. You signed the counseling entry acknowledging your desire to still be discharged as an "alien."

On 30 March 1988, your final Report of Medical Exam indicated that you were twenty-one (21) pounds overweight; however, the medical officer determined you to be qualified for separation. You were discharged on 18 April 1988 with an honorable (HON) characterization of service by reason of convenience of the government, MILPERSMAN 3620200. The "narrative reason" for your separation was "Alien". You were given a "separation code" of "KCP" and a "re-entry code" of "RE-4".

The Board carefully reviewed your request to change the separation code of "KCP" on your DD 214 as it prevents you from becoming a U.S. citizen. However, the Board noted that you were fully aware of, and understood, the ramifications of being discharged as an "Alien" by your signature on your counseling entry (enclosed). The Board noted your contentions that you received three (3) HON discharges during your nearly eight (8) year career and you maintain you were pushed out of the U.S. Navy because of your weight. The Board further reviewed the supporting documentation you submitted for clemency purposes. Although, your record is incomplete in that it does not contain all of the documents pertinent to the administrative separation processing, the Board relied upon the presumption of regularity and presumed that the officials acted in accordance with governing law/policy and in good faith. Accordingly, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the 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,

7/29/2021

[REDACTED SIGNATURE]

Signed by: [REDACTED]