



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

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Docket No. 6379-21
Ref: Signature Date

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Dear █,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 November 2021. 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, relevant portions of your naval record and applicable statutes, regulations, and policies.

A review of your record shows that you entered active duty with the Navy in June 2001. Shortly after your entry onto active duty, you were treated for Atopic Dermatitis; a condition that preexisted your entry into the Navy. Despite treatment, your condition continued to worsen and resulted in a recommendation to administratively separate you for defective enlistment. As a result, you were notified of administrative separation processing on 6 September 2001 and discharged on 13 September 2001 for failing to meet medical/procurement standards. You were issued an uncharacterized entry level separation based on your active duty time in service.

The Board carefully considered your arguments that you deserve a disability discharge and upgrade to your characterization of service to Honorable. You argue, as a matter of injustice, that you were allowed to enter active duty and complete your basic training before being discharged before graduation. Additionally, you argue that your uncharacterized entry-level separation is preventing you from receiving benefits. Unfortunately, the Board disagreed with your rationale for relief.

In reviewing your record, the Board found no error with the Navy's decision to discharge you for failing to meet medical/procurement standards since Atopic Dermatitis is a disqualifying condition for enlistment into the Navy. Your medical history documents that you possessed this condition prior to your entry into the Navy. Therefore, the Board concluded you were erroneously enlisted in the Navy based on your inability to meet medical standards for enlistment. Regarding your arguments for injustice, the Board did not find them persuasive. The Board concluded there was no extraordinary circumstances involved in your case to merit a change to your narrative reason for separation or an exception to a policy that requires an uncharacterized entry-level separation for service members discharged in their first 180 days of consecutive active duty service. In the Board's opinion, the facts of your case are indistinguishable from countless of other service members discharged for failing to meet enlistment standards due to a disqualifying medical condition. Therefore, the fact you are unable to meet time in service requirements for veterans benefits did not convince the Board that you suffered an injustice. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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

11/27/2021

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Deputy Director

Signed by:

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