



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

■  
Docket No: 7725-21  
Ref: Signature Date



Dear Petitioner:

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 24 January 2022. The names and votes of the panel members 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 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, and 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).

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 enlisted in the U.S. Navy (USN) and began a period of active duty on 25 April 1984. On 27 March 1984, you were counseled concerning the Navy's health and physical readiness program, specifically that all members of the Navy, except those excused for medical reasons, shall attain and maintain a condition of health and physical readiness consistent with their duties. On 29 May 1984, a report of medical board captures you were diagnosed with Osgood-Schlatter Disease five years prior to enlisting. Further, it documents the difficulty you have had or may be expected to have in military life causing a conclusion that you were unfit for further naval service and recommending you be discharged by reason of a physical disability which existed prior to your

entry on active duty; and was not aggravated by the service. As such, on 06 June 1984, you were discharged with an entry level separation by reason of erroneous enlistment.

You contend you: (1) developed a nerve injury while enlisted, (2) requested to be examined and asked for treatment in hopes of continuing your enlistment, (3) were informed it was not a nerve issue but Osgood-Schlatter disease, (4) were belittled, told you had no business being in the Navy and would be sent home, (5) eventually gave up and accepted the discharge, (6) did not know the characterization of discharge you received was worse than receiving a general or other than honorable characterization, (7) would have continued to serve and complete your contract if allowed as you planned to make the military a career, (8) was deprived of the opportunity to continue to serve by medical officers, (9) feel you are at least owed the privilege to say you are a veteran and not be embarrassed of your service record as you do not seek notoriety or fame but only want the ability to say you served your country like your father, and (10) you made several attempts to reenlist post-discharge but were unable to as a result of your reason for separation.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your contentions noted above. The Board viewed your allegations with serious concern. However, this Board is not an investigating agency nor does it have the resources to investigate unsubstantiated allegations. Additionally, the Board noted you did not submit advocacy letters or post-service documents to be considered for clemency purposes. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your discharge was erroneous as you had a physical disability which existed prior to your entry on active duty and was not aggravated by your service. Accordingly, given the totality of the circumstances, 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,

2/8/2022

[REDACTED]

Executive Director

[REDACTED]