



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

█  
Docket No: 1158-22  
Ref: Signature Date

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Dear Petitioner:

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 March 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).

You enlisted in the Navy and began a period of active service on 27 July 1995. On 14 August 1995, you underwent a medical evaluation. You disclosed that you underwent bunion surgery two months prior to your enlistment. You were diagnosed with symptomatic hallux, existing prior to enlistment (EPTE). As a result of the foregoing, on 14 August 1995, you were notified of the initiation of administrative separation proceedings by reason of defective enlistment and induction due to erroneous enlistment as evidence by symptomatic hallux abducto valgus, at which point, you waived your right to consult with counsel. You were notified of the initiation of administrative separation 18 days from the date you entered onto active duty. On 15 August 1995, your commanding officer recommended your discharge from naval service. On 18 August 1995, you were discharged with an uncharacterized character of service because you failed medical/physical procurement standards.

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 desire for a detailed explanation for your character of service and type of separation. The Board noted that you were notified of your separation process within 180 days of the beginning of your period of active service. Please note an uncharacterized character of service does not attempt to characterize service as good or bad. Applicable regulations authorize an uncharacterized character of service if the processing of an individual's separation begins within 180 days of the individual's entry on active service. In regard to your reason for separation please note naval regulation authorizes administrative separation for recruits who fail to meet medical/physical procurement standards. Members who were not medically qualified under procurement medical fitness standards when accepted for enlistment, or initial entry training will be separated. The Board determined you were issued the appropriate character of service and reason for discharge.

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,

3/24/2022

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Executive Director

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