



erroneous entry. On the same date, the discharge authority approved and ordered an uncharacterized discharge characterization of service by reason of failure to meet physical standards of enlistment. On 21 July 1994, you were discharged.

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 that you received a letter from the Department of Veterans Affairs (VA) which reflects a change to your discharge characterization of service to General (under Honorable Conditions), that you were unmotivated after your discharge from service and never inquired about an upgrade, and that you decided to pursue a discharge upgrade after finding employment with FEMA. After their review, the Board noted that service regulations direct the assignment of uncharacterized entry-level separations for service members processed for separation within their first 180 days of active duty service. Since you were separated within your first 180 days of active duty service, the Board found no error with your assigned uncharacterized entry-level separation. The Board also concluded no injustice exists in your case since the VA's decision to assign you a different characterization of service for their purposes is not binding on the Department of the Navy or evidence that an error exists in your record. 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,

4/12/2022

