



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

█
Docket No: 2717-22

Ref: Signature Date



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.

A three-member panel of the Board, sitting in executive session, considered your application on 18 May 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 Navy on 22 September 2020. Your pre-enlistment physical examination, on 31 July 2019, and self-reported medical history both noted no neurologic or psychiatric conditions or symptoms. Although you did not otherwise meet established physical standards for enlistment based on information contained in your medical history, on 5 August 2020, you received an enlistment waiver for "papillary thyroid carcinoma with post-treatment hypothyroidism and pregnancy state."

While still in initial recruit training, you underwent a medical examination at the ██████████ ██████████ on 24 November 2020. The Medical Officer recommended you for an entry level separation (ELS) based on a diagnosis of a history of thyroid cancer and post-surgery hypothyroidism. The Medical Officer did note your enlistment waiver for such conditions, but specifically noted that your medical conditions were not correctable to meet Navy standards.

On 10 December 2020, your command provided you notice that you were being administratively processed for an ELS from the Navy by reason of defective enlistment and induction due to an erroneous enlistment as evidenced by a physical or mental condition that existed prior to your entry into naval service. You elected to consult with counsel and submit a written statement to the separation authority, but waived your right to a General Court-Martial Convening Authority review of your separation. Ultimately, on 30 December 2020, you were discharged from the Navy with an uncharacterized ELS discharge given your length of service and assigned an RE-3E reentry code. In this regard, you were assigned the correct characterization and reentry code based on your factual situation.

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: (a) you were erroneously discharged against the endocrinologist's medical recommendation, (b) you were never sick or went to sick call, but someone requested your medical evaluation, (c) your blood results were normal and with acceptable parameters for duty and service, (d) the Medical Officer did not reschedule an appointment with an endocrinologist and rejected the enlistment waiver, (e) your performance, conduct, and health on active duty was excellent, (f) your discharge reflected a bias procedure, incomplete process, unsupported findings, and was highly indicative of discrimination. Based upon this review, however, the Board concluded these potentially mitigating factors were insufficient to warrant relief.

The Board considered your overall record of service and your contentions. However, the Board concluded that you were appropriately separated with an ELS because you clearly had disqualifying medical conditions upon entry into the Navy. Notwithstanding any medical enlistment waiver, the Board noted that a Navy Medical Officer determined that your pre-existing medical conditions were not correctable to meet current Navy standards. The Board also determined, that there was no evidence in the record to support your contentions of bias, discrimination, incomplete process, and unsupported medical findings.

The Board observed that in the Navy, the RE-3E reentry code means "inducted, enlisted, extended, or reenlisted in error" and is used in cases such as yours involving disqualifying medical conditions, absent any evidence to the contrary. The Board noted that separations initiated within the first 180 days of continuous active duty will be described as ELS except when an Honorable discharge is approved by the Secretary of the Navy in cases involving unusual circumstances not applicable in your case. Additionally, absent a material error or injustice, the Board declined to summarily upgrade or set aside a discharge solely for the purpose



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of facilitating VA benefits, or enhancing educational or employment opportunities, including reenlistments. In the end, the Board concluded that you were appropriately discharged, received the correct discharge characterization, narrative reason for separation, separation code, and reentry code based on your circumstances, and that such action was in accordance with all Department of the Navy directives and policy at the time of your 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,

6/10/2022



Executive Director

Signed by:

