





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


Docket No. 2553-23
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 April 2023. 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, 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) 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 and began a period of active duty on 15 July 1965. On 27 August 1965, the results of a Board Medical Survey report noted that you were diagnosed by a medical officer with Retinitis Pigmentosa (Primary Pigmentary Degeneration of the Retina, Bilateral, EPTE. As a result, on 31 August 1965, the separation authority approved and ordered an Honorable discharge characterization of service by reason of erroneous enlistment. On the same date, 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 desire to change your narrative reason for separation and contentions that: (a) your recruiter knew that you were legally blind since age 12 and lied about it, and (b) you are seeking this correction to be made with the intent to qualify for blind veterans services. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board noted you were diagnosed with Retinitis Pigmentosa (Primary Pigmentary Degeneration of the Retina), Bilateral, ETPE and found your diagnosis to be an appropriate basis for an erroneous enlistment separation. In making this finding, the Board relied upon the medical board report that documented your diagnosis and concluded you did not meet enlistment standards. Therefore, the Board determined your narrative reason for separation remains appropriate. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board noted that you may be confusing your erroneous enlistment discharge with a fraudulent enlistment discharge. In the latter discharge, it is based on the fraudulent concealment, by an enlistee, of a disqualifying reason for enlistment. This is not what is being alleged in your case. Rather, the Navy determined it made a mistake by enlisting you since your eyesight limitations were disqualifying for enlistment. In essence, the Navy agreed with your assessment that it was not your fault that you were enlisted in the Navy erroneously. I hope this clears up any misperception that may exist with the nature of your discharge.

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,

5/9/2023

