



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

█  
Docket No. 2578-22  
Ref: Signature Date

█  
█  
█  
Dear █

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 5 May 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, 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).

Prior to enlisting the Marine Corps, you suffered an ankle injury which was evaluated during a medical consultation, and you were medically cleared on 20 January 1984 for enlistment. You enlisted in the Marine Corps Reserve under a reserve option contract and began a period of initial active duty on 8 May 1984. Your service health records reflect medical evaluation for your ankle injury on 23 May 1984. On 31 May 1984, a request for a psychiatric evaluation resulted in a diagnosis of Adjustment Disorder with anxious mood. However, on 1 June 1984, an endorsement to your psychiatric evaluation advised that you did not present an incapacitating mental disability. You were administratively counseled on 11 June 1984 for inability to adapt and advised that you were recommended for administrative discharge by reason of entry level performance and conduct due to failure to adapt, with assignment of an "RE-3P" reentry code.

Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties.

Your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Marine Corps on 18 June 1984 with an uncharacterized entry level separation, your narrative reason for separation is "Entry Level Performance & Conduct," your separation code is "JGA1," and your reenlistment code is "RE-3P." At the time of your discharge, you had a total period of active service of 1 month and 11 days.

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 entry-level separation and contentions that you were separated without a hearing before an administrative board and should be considered for disability discharge. For purposes of clemency and equity consideration, the Board noted you did not provide documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief.

With respect to your contention that you were discharged without a hearing before an administrative board, the Board conclude you were not entitled to one. The Board noted that administrative separation boards are required for members being processed for misconduct that could result in an Other Than Honorable characterization or those that have more than six years of service. The Board found that neither of those circumstances apply in your case.

Regarding your contention about a disability discharge, the Board found no evidence that you incurred a disability condition that was unfitting. Your record documents that you were diagnosed with an adjustment disorder; a disorder that was defined by military regulations, applicable at the time, as a condition that does not qualify as a disability condition. Further, the Board noted you entered the military with a preexisting ankle condition. Therefore, the Board concluded neither of these conditions qualified for referral to the disability evaluation system or a disability discharge.

Finally, the Board considered your request to upgrade your uncharacterized entry level separation. Military regulations direct members who are processed for discharge within their first 180 days of active duty service to be assigned an uncharacterized entry level separation. While there are exceptions for extraordinary performance and misconduct, the Board found neither of these applied in your case. Therefore, the Board determined your uncharacterized entry level separation remains appropriate in your case. Even in light of the Wilkie Memo and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. 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 is attached 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,

5/18/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]