



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

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Docket No. 2735-23
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.

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 5 June 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).

You enlisted in the Navy and began a period of active duty on 16 August 1993. Three days later, you were seen at the Branch Clinic and referred to the REU after having a hyperventilation episode and stating you “can’t take bootcamp.” During your assessment you disclosed a history of alcohol consumption beginning when you were age 14, substance use, reckless driving, intense anger, lack of control of anger, suicidal ideations and gestures, and recurrent self-mutilating behavior. Further, you shared you did not disclosed the aforementioned during your enlistment processing. You were subsequently diagnosed with an undifferentiated type conduct disorder, moderate alcohol dependence, mild cannabis dependence, borderline personality disorder, and passive aggressive disorder; all of which existed prior to your enlistment (EPTE). Based on your preexisting conditions, you were recommended for administrative separation. On 25 August 1993, you were notified of your pending administrative separation by reason of defective enlistment and convenience of the government, at which time you waived your right to consult with military counsel and to have your case heard before an administrative discharge

board. On 26 August 1993, your Commanding Officer (CO) determined that you be separated under void enlistment. On 1 September 1993, you were discharged by void enlistment and issued a DD Form 214 that reflects your enlistment was voided.

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 have your discharge characterized and your contention that you do not know why your discharge characterization is currently listed as “uncharacterized.” For purposes of clemency and equity consideration, you provided evidence that you currently reside in a homeless shelter and are working with a U.S. Department of Housing and Urban Development – Veterans Affairs Supporting Housing program case manager to determine if you are qualified for a supporting housing program.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your enlistment was appropriately voided based on your failure to disclose your extensive medical history during your enlistment processing; a medical history that was disqualifying for enlistment. Additionally, the Board noted that you were discharged in accordance with governing regulations at the time of your separation and not entitled to a characterization of service based on the voiding of your enlistment. Lastly, the Board declined to summarize characterize a discharge solely for the purpose of facilitating veterans’ benefits. Therefore, while the Board empathized with your current housing situation, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not have 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.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. 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,

6/8/2023

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Executive Director

Signed by: █