



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

█
Docket No. 3127-23
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 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).

On 29 September 2000, you enlisted in the Navy with a waiver for non-minor misdemeanor. On 1 November 2000, you began a period of active duty service. On 16 November 2000, you were diagnosed by a medical officer with Antisocial Personality-EPTE. On 20 November 2000, you were notified of the initiation of administrative separation proceedings by reason personality and learning disorders. On 21 November 2000, your commanding officer recommended an Uncharacterized (Entry Level Separation) discharge characterization by reason of erroneous enlistment. On 28 November 2000, 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 for a discharge upgrade and contentions that: (a) you did not read what you were signing and disagreed with what was written on your discharge papers, and (b) you were having medical issues at the time you enlisted and a Navy medical

officer told you to get out before getting sick. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board noted you were diagnosed with Antisocial Personality Disorder, EPTE, and found your diagnosis to be an appropriate basis for your separation. Further, since you were notified of the initiation of your separation 20 days after entering active service, the Board also concluded you were appropriately assigned an uncharacterized entry level separation upon your discharge. Applicable regulations authorize an uncharacterized character of service if the processing of an individual's separation begins within 180 days of the individual's entry on active service. While there are exceptions to policy when extraordinary performance or misconduct are involved, the Board found none of those exceptions applied in your case. 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,

5/10/2023

█

Executive Director

Signed by: █