



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

█  
Docket No. 4042-23

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel of the Board, sitting in executive session on 27 November 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).

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 previously applied to this Board for a discharge upgrade and changes to your narrative reason for separation and reentry code. The Board denied your request on 4 March 2022.

The Board noted that the summary review of your less than 180 days of active duty Navy service from 8 October 2015 through 9 March 2016, remains unchanged from its previous review as outlined in the Board's recent decision regarding your application in Docket Number 7499-21.

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 are not limited to, your desire for a discharge upgrade and changes to your narrative reason for separation and reentry code. You again contend that your discharge was unfair and not equitable, you have been assessed to have behavioral health issues, and should have been granted liberal consideration. The Board further considered your arguments regarding the absence of misconduct during your active service, your strong desire to reenlist, your post-service clemency matters, and your primary contention that the severity of your medical condition was either erroneous, due to being misdiagnosed during your military service or, alternatively, has lessened in severity to a non-disqualifying level, for which you submitted supplemental medical evidence regarding the degree of your spinal curvature. The Board noted you checked the “PTSD” and “Other Mental Health” block on your application but you chose not to provide any supporting evidence of your claim. Although your application states that you have “been assessed by psychologists to have service connected behavioral health issues” and should therefore be granted liberal consideration, the Board noted that your supporting medical evidence pertained to your physical condition – specifically, disqualifying spinal curvature – with no other indication in your service record or application regarding psychological conditions or behavioral health issues relevant to such policies. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Again, the Board noted that you received an uncharacterized discharge consistent with regulatory guidance regarding the administrative discharge of entry-level individuals who have not served for more than 180 days of continuous active duty. An uncharacterized discharge is merely reflective of the brevity of your service; it simply indicates the existence of a non-adverse condition which should have disqualified you from enlistment but was not discovered until after your entry onto active duty. The Board found that your service did not meet the minimum regulatory requirements for a characterization. Therefore, the Board concluded that there is no error or injustice with respect to your assigned characterization of service.

Although the Board observed that you have submitted evidence of a progressively improving degree of spinal curvature, the Board found insufficient evidence that your in-service medical diagnosis was erroneous. The Board credited that your diagnosis was made by a qualified medical specialist during the due course of providing medical care during your military service. The Board observed that your previously submitted evidence indicated, at least in part, that the improvement in your condition resulted from post-service treatment and therapy. As such, the Board found no evidence of error or injustice regarding the narrative reason of “Erroneous Entry” due to your disqualifying medical condition.

Again recognizing your desire to seek reentry, the Board expressly considered your contentions with respect to your reentry code. To the extent that your condition may have improved such that you might be eligible for consideration of a waiver to permit reenlistment, the Board again noted that the intended administrative purpose of your “RE-3E” reentry code is to ensure thorough review of your medical qualifications should you seek to reenlist. As a result, the Board found that your “RE-3E” reentry code is neither erroneous nor unjust, nor does it prohibit you from seeking a waiver to permit reenlistment. Therefore, even in light of the Wilkie Memo and reviewing the record 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,

12/14/2023

[REDACTED]