



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

█  
Docket No. 4413-23  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █,  
USN, █

Ref: (a) 10 U.S.C. § 1552  
(b) SECDEF memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018 (Wilkie Memo).

Encl: (1) DD Form 149 with attachments  
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his discharge characterization be change on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosure (2) applies.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 1 December 2023, and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, policies to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 8 September 1983. On 22 September 1983, Petitioner was diagnosed by a medical officer with Sleep Waking Disorder, ETPE. Subsequently, Petitioner verbalized his lack of motivation for continuing active duty

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service. As a result of the foregoing, the medical officer recommended that Petitioner be administratively separated from the Navy by reason of convenience of the government.

d. Unfortunately, the documents pertinent to Petitioner's administrative separation are not in his 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. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that he was separated from the Navy on 30 September 1983 with an Uncharacterized entry-level separation, his narrative reason for separation is "Other Physical/Mental Condition, not interfering with the performance of duty," his separation code is "JFV," and his reenlistment code is "RE-3G."

e. Petitioner contends he was injured in boot camp and was given a medical discharge. Petitioner was told his discharge would turn into Honorable. Petitioner realized his discharge was still the same the moment he tried to get a new driver's license.

#### CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants partial relief. In keeping with the letter and spirit of the Wilkie Memo, the Board determined that it would be an injustice to label one's discharge as being for a physical or mental condition. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's discharge should not be labeled as being for a physical or mental condition and that certain remedial administrative changes are warranted to the DD Form 214.

Notwithstanding the recommended corrective action, the Board noted the Petitioner was still in the entry-level status when he was notified for separation, and only served 23 days on active duty. Service regulations direct the assignment of an uncharacterized entry-level separation when a member is processed for separation within their first 180 days of active duty. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applied in Petitioner's case. Further, the Board noted that there is no provision of federal law or in Navy regulations that allows for a discharge to be automatically upgraded after a specified number of months or years. As a result, the Board found no error or injustice with Petitioner's assigned uncharacterized entry-level separation. 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 Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity. Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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USN, [REDACTED]

RECOMMENDATION:

That Petitioner be issued a new DD Form 214, for the period ending 30 September 1983, that he was discharged with a narrative reason for separation of "Secretarial Authority," separation code of "JFF," and separation authority of "MILPERSMAN 1910-164."

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

12/18/2023

