





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

  
Docket No. 6218-23  
Ref: Signature Date

  
  
Dear Petitioner:

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 18 September 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 17 September 1986. On 4 November 1986, you were notified of your pending administrative processing by reason of defective enlistment and induction due to erroneous enlistment as evidenced by your osteochondroma, left humerus, which existed prior to your entry into the service. You elected your right to obtain copies of documents to be forwarded to the Separation Authority and did not object to being discharged. On 21 November 1986, the Separation Authority directed you be discharged with an uncharacterized entry level separation. On 1 December 1986, you were so 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 Memos. These included, but were not limited to, your desire to change your discharge and contention your discharge classification is "improper." 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 warrants relief. Specifically, the Board found no error on injustice with your assigned uncharacterized entry level separation for erroneous enlistment. The Board noted you served approximately 75 days on active service and applicable regulations authorize an entry level separation as a 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 in cases involving extraordinary performance and misconduct, the Board determined neither applied in your case. Finally, the Board noted you were processed for a preexisting disability condition that was disqualifying for enlistment. As a result, the Board determined you were properly processed for erroneous enlistment since you were not qualified for enlistment. 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,

10/2/2023

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Executive Director

Signed by: █