



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

██████████  
Docket No. 8040-23  
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 13 October 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 to 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 Marine Corps and began a period of active duty on 6 May 1991. You were administratively counseled, on 26 July 1991, that you would be assigned a reentry code of "RE-3P" due to failure to meet physical standards for enlistment. The basis for this recommendation is summarized in a medical board report of 31 July 1991, which found that you had a reported physical history of right shoulder pain approximately two years prior to enlistment which had resolved without medical evaluation at the time and, therefore, was not noted in your initial physical examination history. However, by the fourth day of Marine Corps recruit training, you began to experience persistent right shoulder pain and, upon evaluation, were recommended for separation. The reports specified: "It is the opinion of the Medical Board that the member does not meet the [minimum] standards for enlistment." You appeared before the medical board and elected not to submit a statement or rebuttal. Completing less than 4 months of total active service, you were discharged from the Marine Corps for the reason of physical disability existing prior to entry as determined by a medical board, on 15 August 1991, in an uncharacterized entry level status.

It appears that you were subsequently able to enlist in the Navy, in which you began a period of active service on 25 October 2000. While enlisted in the Navy, you applied to the Naval Discharge Review Board (NDRB) seeking documentary review of your “Uncharacterized” discharge from the Marine Corps to request that it be upgraded to “Honorable” with an accompanying discharge certificate and that your record be corrected to include entry of your National Defense Service Medal (NDSM) as a ██████████ era veteran. The NDRB determined, on 15 November 2002, that your record should be corrected to reflect the award of the NDSM. However, as noted in the NDRB’s decision, “By regulation, members discharged within the first 180 days of enlistment are given characterization of service as ‘uncharacterized’ unless there were unusual circumstances regarding performance or conduct which would merit an ‘honorable’ characterization,” none of which was present in your service record for your less than four months of service. Additionally, the NDRB noted that, with respect to non-service related administrative matters, an uncharacterized separation is not considered to reflect adversely upon the period of service but, rather, merely

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 upgrade your discharge to “Honorable” and receive an Honorable Discharge certificate as well as your contentions that you joined the Marine Corps with a “patriotic heart during a time of war” but incurred an injury during training which cut your career short. For purposes of clemency and equity consideration, the Board noted you submitted evidence of your subsequent Honorable service in the Navy, and service in the Army and Air National Guard, along with your personal statement.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your assigned uncharacterized entry level separation remains appropriate. The Board found, consistent with the analysis of the NDRB, that your service was properly identified as “Uncharacterized” as mandated by service regulations given the brevity of your service and the lack of any extraordinary performance of duty which might qualify for an “Honorable” discharge. To the extent that you claim your “Uncharacterized” service complicates the background investigations for your security clearances, the Board found this contention without merit. The Board concluded that an “Uncharacterized” discharge is not considered to be unfavorable or less than Honorable; it merely reflects that you did not serve more than 180 days of active duty. Therefore, while the Board carefully considered the evidence you submitted and commends your continued service, 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,

11/2/2023

