




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




Docket No. 9848-23
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 7 December 2023. The names and votes of the members of the panel 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 this 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 Kurta Memo.

A review of your record shows that you entered active duty in the Navy on 8 November 2000. From 30 November 2000 through January 2001, you were counseled numerous times for refusing to participate in training and poor attitude. An 11 January 2001 Recruit Evaluation Report noted you were causing a multitude of problems due to your refusal to cooperate. Consequently, on 17 January 2001, you were notified of administrative separation processing due to entry-level performance and conduct as evidenced by failure to adapt to the naval environment. You acknowledged your separation reason, waiving your right to counsel and to submit rebuttal statements. On 18 January 2001, Commanding Officer, , , authorized your discharge with an entry-level separation noting your performance was unsatisfactory and you were considered unqualified for further naval service. You were subsequently discharged on 23 January 2001, after approximately 76 days on active duty, and received an uncharacterized entry-level separation.

In your petition, you request an Honorable characterization of service and the narrative reason for separation to be changed to medical discharge vice an Entry-Level Separation. You argue

that during boot camp you injured your knee, foot, ankle, back, hip, and shoulder, which caused you to go to the medical clinic. You further contend you were seen during training for mental health and stress, which prevented you from completing boot camp.

The Board carefully reviewed your petition and the material that you provided in support of your petition and disagreed with your rationale for relief. In keeping with the letter and spirit of the Kurta Memo, the Board gave liberal and special consideration to your record of service, and your contentions about any traumatic or stressful events you experienced, and their possible adverse impact on your service. In reaching its decision, the Board found you did not provide any evidence of your claimed injuries in service. The Board found no evidence you were unfit for continued naval service due to any qualifying disability conditions. In addition, the Board noted contrary to your assertion that a physical or mental health condition led to your removal from service, your service records show that you were notified of administrative discharge separation due to unsatisfactory performance as evidenced by a plethora of counseling entries and that you did not submit a rebuttal to object to this discharge. Finally, since you served on active duty for less than 180 days, the Board determined you were appropriately processed and given an uncharacterized entry-level separation. Service regulations direct the assignment of an uncharacterized entry-level separation for service member processed for separation within their first 180 days of active duty. While there are exceptions to this policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applies in your case. Consequently, in its review and liberal consideration of all the evidence, the Board determined that your administrative discharge for entry-level performance and conduct was valid and there is no error or injustice in your record warranting correction. 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 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,

1/11/2024

