



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

█  
Docket No. 0799-24

Ref: Signature Date

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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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 29 July 2024. 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).

You enlisted in the Naval Reserves on 31 July 1992 as part of the Delayed Entry Program (DEP). On 11 June 1993, you were notified of the initiation of administrative separation proceedings by reason of failure to graduate from high school. You failed to complete your Statement of Awareness and Request for, or Waiver of, Privileges form; resulting in your waiver of rights. On 29 June 1993, you were administratively separated from the Navy with an Uncharacterized (Entry Level Separation) due to failure to graduate from high school.

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 for a discharge upgrade and contentions that: (a) your petty officer began getting on your nerves by stressing thinking is part of the process of

training or paying attention to details, (b) you were getting fed up while stationed in █  
█ for ship repairs, (c) you were moved into an apartment with four shipmates who you  
claim were trying to baby sit you and make your life miserable, (d) you were UA for almost two  
months and detained by civil authorities for desertion following a car accident, (e) you were  
involved in a wrestling incident with your petty officer, which almost caused the ship to collide  
with another ship, and (f) you were discharged from service due to pattern of misconduct as a  
result of the aforementioned incident. For purposes of clemency and equity consideration, the  
Board noted you did not provide supporting documentation describing post-service  
accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient  
to warrant relief. Specifically, the Board noted you were appropriately assigned an  
uncharacterized entry level separation based on the fact you never commenced active duty.  
Further, the Board noted you were appropriately discharged from DEP based on your failure to  
graduate from high school. In reviewing the record, the Board found no evidence to substantiate  
your contentions that you entered active duty or discharged due to pattern of misconduct.  
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 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,

8/22/2024

