



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

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Docket No. 1055-24  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 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 22 March 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, 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 US Marine Corps Reserves (USMCR) and commenced a period of active duty on 5 January 2000. Prior to your enlistment, on 27 May 1999, you underwent a medical evaluation which does not indicate that you suffered from any significant medical condition that prevented your from enlistment. On 21 March 2000, 76 days following your entry onto active duty, you were determined not physically qualified for enlistment. As a result of the foregoing, entry level administrative separation proceedings were initiated due to your diagnosis of mild hemophilia. On the same day, you waived your procedural rights. The separation authority approved and directed your separation with an uncharacterized character of service by reason of erroneous entry into military service. On 14 April 2000, 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 Memo. These included, but were not limited to your desire to change your discharge characterization to

General (Under Honorable Conditions) and contentions that you were informed your discharge would be listed as Honorable, the █ Department of Motor Vehicles (DMV) does not recognize an uncharacterized character of service, and this prevents you from obtaining a Marine Corps license plate. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your assigned uncharacterized entry level separation remains appropriate. The Board noted you were notified of the initiation of separation proceedings 76 days from your entry into active service. 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 for cases involving misconduct or extraordinary performance, the Board determined neither exception applied in your case. Additionally, the Board noted you provided no evidence, other than your statement, that substantiates you were told that you would receive an Honorable characterization of service while in an entry level status. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

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 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,

4/9/2024

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