



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

██████████
Docket No. 2335-24
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 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 24 April 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the U.S. Navy and began a period of active duty on 8 March 1988. On 2 April 1988, you were seen by medical due to difficulty performing a Valsalva maneuver because of apparent Eustachian tube dysfunction. On 2 May 1988, you failed to meet minimum physical requirements for the AW rating and elected assignment to STG "A" school. You completed the STG "A" school on 15 July 1988. Subsequently, you were seen by medical and it was determined that you were colorblind and did not meet requirements for any rate that requires color vision. Your Commanding Officer informed the Chief of Naval Personnel that you are disqualified after graduation due to color blindness and that you desired to be discharged.

Unfortunately, some documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Navy on 18 August 1989 with an Honorable characterization of service, your narrative reason for separation is "Enlisted in Error," your separation code is "KFC," and your reenlistment code is "RE-3E." Your separation code is consistent with an enlistment made in error.

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 change to the narrative reason for separation and separation code to reflect you suffer from a disability condition. You contend that you were not aware that you were colorblind and, to this day, you don't feel you are completely colorblind. You also contend that the three ratings the Navy offered were the worst ratings in the Navy and, after talking with your CO, you requested to be discharged. Finally, you assert you are ineligible for veterans' benefits due to your assigned narrative reason for separation and separation code. 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 these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your narrative reason for separation and separation code remain appropriate. In reviewing your record, the Board concluded that you were appropriately discharged for erroneous enlistment based on your failure to meet physical qualifications for enlistment. The Board found no evidence that you suffered from a qualifying disability condition to support a disability discharge, noted your condition preexisted your entry into the Navy, and determined you were properly discharged for erroneous entry based on your request. Finally, absent a material error or injustice, the Board declined to summarily change a member's record solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities when you had the opportunity to stay on active duty and fulfill your obligation.

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, _____

5/8/2024



Executive Director

Signed by: █