



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. 2574-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your reconsideration request 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 8 August 2024. 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, applicable statutes, regulations, and policies.

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.

A review of your record shows that you entered active duty in the Navy on 28 March 2018. On 6 August 2018, you were recommended for entry level medical separation due to carpal tunnel syndrome, resistant to rehabilitation. On 15 August 2018, you were notified of administrative separation due to defective enlistment and induction - erroneous enlistment. You signed paperwork stating you did not object to this discharge, waiving your right to counsel and rebuttal. You were subsequently discharged on 22 August 2018 with an uncharacterized entry level separation due to Erroneous Entry – Other.

You are requesting an upgrade of your discharge from uncharacterized to an Honorable discharge. You contend you injured your wrists during basic training and could not continue training due to needing wrist surgery. You further argue you were denied Department of

Veterans Affairs benefits due to not having an Honorable discharge. To support your contention you included medical records from your civilian medical provider.

The Board carefully reviewed your petition and disagreed with your rationale for relief. The Board concluded that your uncharacterized entry level separation for erroneous enlistment remains appropriate.

In reaching its decision, the Board noted you had a medical condition that did not meet physical standards for enlistment as you were not able to finish training due the condition. In addition, the Board considered that the condition that prevented you from completing training normally develops slowly over a long period of time. Therefore, the Board concluded, more likely than not, you entered the Navy with your condition and were enlisted in error. The fact you aggravated your preexisting condition while on active duty or later required surgery was not persuasive to the Board since the evidence shows you should not have been allowed to enlist.

Regarding your request to change your uncharacterized entry level separation, the Board considered that service regulations direct the assignment of an uncharacterized entry level separation for members processed for administrative 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 applied in your case. 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, the Board determined insufficient evidence of error or injustice exists to warrant a change to your record. 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,

9/9/2024

