



**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. 4810-24  
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 12 September 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.

A review of your enlistment processing record shows you disclosed three right ear surgeries between 1970 and 1982 on your report of medical history. Medical personnel found you qualified to enlist, and you entered active duty in the Navy on 29 January 1986. On 13 February 1986, you reported to sick call for right ear pain. On 14 February 1986, the examining physician diagnosed you with Chronic Otitis Media, right ear, existed prior to entry (EPTE) and you were recommended for discharge from the Navy. Consequently, you were notified of administrative separation due to defective enlistment and induction - erroneous enlistment, did not object to this discharge, and waived your right to counsel and rebuttal. You were subsequently discharged on 21 February 1986 with an uncharacterized entry level separation due to erroneous enlistment.

Post-discharge, you petitioned the Naval Discharge Review Board (NDRB) to change your characterization of service to Honorable. The NDRB denied your request, on 30 June 1986, after determining your discharge was proper as issued.

For this petition, you are requesting an upgrade of your discharge from uncharacterized to an Honorable medical discharge. You contend your hearing problems were discovered late and you passed numerous hearing exams before you entered service.

The Board carefully reviewed your petition and disagreed with your rationale for relief. First, the Board noted you had a medical condition that did not meet physical standards for enlistment and rendered you ineligible for further service. Since you were erroneously allowed to enlist with a disqualifying condition, the Board found no error with your administrative separation for erroneous entry. Based on this finding, the Board determined you do not qualify for a disability or medical discharge. Second, the Board noted that Naval Military Personnel Manual (MILPERSMAN) Article 3630200 authorizes separation of a member during the first 180 days of service when the member has been found unqualified for further service and Article 3610300 specifies that the separation will be uncharacterized and described as Entry-Level Separation. The Board noted you served a total of 23 days on active duty. Article 3610300 further clarifies that for a separation in the first 180 days of active duty to be deemed as Honorable, there would have to be evidence of unusual circumstances involving personal conduct and performance of naval duty and the Secretary of the Navy would have to approve the characterization on a case-by-case basis. The Board found there was no evidence in your record demonstrating any exceptional circumstance to warrant an Honorable discharge. Consequently, the Board determined that 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,

10/1/2024

