



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 Memos. These included, but were not limited to, your desire to change your discharge narrative reason and characterization of service. You contend that you “did not have any medical issue/diagnosis prior to my enlistment” and, I was healthy prior to enlistment, developed asthma due to breathing heavy fiber particulates during my enlistment, and feel a change to my separation is warranted so I can receive the help I need.” For purposes of clemency and equity consideration, the Board considered the advocacy letter you provided.

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 for erroneous enlistment remains appropriate. In making this finding, the Board determined that your contention that you did not have medical issues prior to enlistment and developed asthma while in service is inconsistent with the facts in the record. The Board noted that, based on entries in your in-service record and medical record, you failed to disclose a two year pre-service history of asthma treatment prior to beginning active duty. The Board noted that a medical professional determined that the condition that caused your medical distress during exercise was disqualifying for service, existed prior to entry, and was not aggravated by military service. The Board further noted that you were properly notified of processing for administrative separation and afforded your rights, which you waived. Finally, the Board considered that service regulations direct the assignment of an uncharacterized entry level separation for members processed for separation within their first 180 days of active duty. While there are exceptions in cases involving misconduct or extraordinary performance, the Board determined neither applied in your case.

As a result, 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,

10/21/2024

