



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

██████████
Docket No. 8353-24
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 16 October 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 U.S. Navy and began a period of active duty on 27 June 1988. On 15 July 1988, you were seen by medical and professed to making yourself throw up to lose weight prior to your entry into the Navy. A Medical Board was convened, on 28 July 1988, and found you did not meet the minimal physical standards for enlistment upon entry based on your diagnosis of bulimia nervosa; a condition that existed prior to enlistment. On 29 July 1988, you were informed on the Medical Board's recommendation and requested to be discharged.

As a result, the Commanding Officer (CO) notified you for separation for defective enlistment and induction. After you waived your rights, the CO directed your discharge with an Entry Level Separation (ELS) with corresponding reentry code of RE-3E (enlisted in error). You were so discharged on 15 August 1988.

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 an upgrade in your characterization of service and contentions that you were discharged against your will, you were told you would have to spend six to nine months in the hospital for an eating disorder if you did not agree with the decision of the physician, you did not agree and you spent the next month in the psychiatric ward, you were not allowed to continue your training and were being sent home, and you were never told about your separation that essentially claimed you were never in the Navy and makes it virtually impossible to get back in. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your assigned uncharacterized entry level separation and reentry code of RE-3E remains appropriate. Service regulations direct the assignment of an uncharacterized entry level separation when a service member is processed for separation within their first 180 days of active service. While there are exceptions in cases involving misconduct or extraordinary performance, the Board determined neither of these exceptions applied in your case. Further, the Board was not persuaded by your contention that you were discharged against your will or coerced into agreeing to the separation. The Board noted that you told medical staff that you didn't want to be in the Navy and, after you were informed of the Medical Board's recommendation to the CO, you elected to be discharged instead of being returned to duty. Finally, based on the fact you were properly discharged for erroneous entry, the assigned reentry code of RE-3E is correct.

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,

11/5/2024

