



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

██████████
Docket No. 9001-24
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 18 December 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 29 July 2005. On 21 September 2005, you acknowledged that you are no longer eligible for the SWCC/MM program due to the failed PRT requirements. On 6 April 2007, you received non-judicial punishment (NJP) for unauthorized absence (UA) and missing ship's movement. On your 15 July 2007 evaluation, it reports that you failed your Spring 2007 PFA. On 5 December 2007, you failed your third PFA due to failure to meet body composition assessment standards.

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 17 March 2008 with an General (Under Honorable Conditions)

characterization of service, your narrative reason for separation is "Physical Standards," your separation code is "JFT," and your reenlistment code is "RE-4."

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 contentions that you have a service connected disability that is connected to your discharge reason and your chain of command refused to treat your service connected disability. 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 basis for separation remains appropriate. The Board noted that you failed to maintain weight control standards over a period of seven months. In making this finding, the Board considered the length of time for you were afforded to get within standards and that you did not provide any evidence to substantiate your contention that you suffered service connected disability that is connected to your discharge. Therefore, the Board determined the presumption of regularity applies with regard to your reason for separation.

Regarding your assigned characterization of service, the Board also concluded it remains appropriate. The Board took in to account your NJP and your final trait average for military behavior, and concluded your average was below what was required to be considered for an Honorable character of service. The Board also considered the relatively brief period of active duty you served. Therefore, the Board concluded significant negative aspects of your service outweigh the positive aspects and continues to warrant a GEN characterization.

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,

1/9/2025

