



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

██████████
Docket No. 9085-24
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 19 February 2025. 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).

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.

You entered active duty in the Navy on 22 October 2001. On 6 November 2002, you were counseled on your failure of the Physical Fitness Assessment (PFA) and receiving 1.0 in military bearing. On 12 June 2003, you were counseled on your failure of the PFA. On 24 October 2003, you received an Evaluation Report identifying your individual trait average as 2.67. On 1 March 2004, you were counseled on your failure of the PFA and receiving a mark of 1.0 in military bearing. On 6 May 2004, you received non-judicial punishment (NJP) being in an unauthorized absence (UA) status for seven days. You also received an Evaluation Report identifying your individual trait average as 2.67 on the same day. On 11 August 2005, you were counseled on your failure of the PFA and failure to meet height and weight standards. On

21 October 2005, you were discharged with a General (Under Honorable Conditions) (GEN) characterization of service and a Narrative Reason for Separation as "Physical Standards."

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 to upgrade your discharge and contentions that you that you became a model citizen and a great person, you are rated at 100% by the Department of Veterans Affairs (VA), you are currently working toward your master's degree, and your health issues hinder your ability to perform. The Board noted that you checked the "Other Mental Health" box on your application but did not respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application, which consisted solely of what you stated on your DD Form 149 without any additional documentation for the Board's consideration.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your NJP and inability to consistently pass the PFA outweighed these mitigating factors. In making this finding, the Board noted that your misconduct and failure to meet physical standards resulted in an overall trait average (OTA) of 2.3. An average of 3.0 in OTA was required at the time of your separation for an Honorable characterization of service. Additionally, the Board noted that VA eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA eligibility determinations, disability ratings, and/or discharge classifications are not binding on the Department of the Navy and have no bearing on previous active duty service discharge characterizations.

As a result, the Board determined that there was no impropriety or inequity in your discharge. 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,

3/14/2025
