



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

Docket No. 9294-24  
Ref: Signature Date

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 21 January 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).

You enlisted in the Navy and commenced active duty on 17 October 1984. On 23 November 1984, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct; specifically for failing a military phase of training. On 7 December 1984, you were again issued Page 13 counseling for deficiencies in your performance and/or conduct: specifically, academic test failure. On 28 December 1984, you were issued Page 13 counseling advising you that you were eligible for administrative separation action due to another academic test failure and failure to improve your performance and/or conduct.

Consequently, on 2 January 1985, you were notified of pending administrative separation processing with an Entry Level separation by reason of Entry Level Performance and Conduct. You waived your rights to consult counsel or submit a statement. On 14 January 1985, you were discharged with an uncharacterized entry level separation due to entry level performance and conduct.

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 change your discharge characterization of service and your contentions that the Department of Veterans Affairs (VA) has indicated your service was Honorable. For purposes of clemency and equity consideration, the Board noted that you provided a VA benefits letter with your application.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your uncharacterized entry level separation remains appropriate. 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 policy exceptions in cases involving extraordinary performance or misconduct, the Board determined neither applied in your case. Finally, 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. 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,

2/12/2025

