



Docket No. 9431-24
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 8 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 began a period of active duty on 10 December 1984. On 31 December 1984, you failed to attain the required passing score for your first Recruit Academic Test. On 5 January 1985, you were issued an administrative remarks (Page 13) retention warning formally counseling you concerning deficiencies in your performance and/or conduct. Specifically, unsatisfactory performance and conduct by scoring below the required passing score for your first academic test. You were provided recommendations for corrective action and advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 10 January 1985 and 17 January 1985, you again failed to attain the required passing score for your Recruit Academic Test. Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of entry level performance and conduct for unsatisfactory performance and/or conduct as evidenced by your inability to complete training. You waived

your right to consult with counsel and did not object to discharge. The separation authority stated in pertinent part:

[Petitioner] has been counseled regarding her deficiencies, but she remains incapable of attaining minimum academic standards. She has failed the initial academic on three occasions and interposes no objection to discharge. Given [Petitioner's] academic failures, her potential for future productive naval service is minimal Entry Level Separation is directed.

Ultimately, the separation authority directed your uncharacterized Entry Level Separation (ELS) from the Navy by reason of entry level performance and conduct and you were so discharged on 29 January 1985.

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 character of service and change your narrative reason for separation, separation code, and reenlistment code. The Board considered your contention that your narrative reason for separation is erroneous and has hindered you on numerous employment opportunities. You assert that you have built a successful career working overseas supporting your military family, have received commendations, and have successfully completed several projects while providing excellent Business 2 Business collaborations with all higher military echelons. Further, you desire this correction so that you can continue to move freely within the government system to include obtaining a Top-Secret clearance. For purposes of clemency and equity consideration, the Board considered the documentation you provided in support of your application.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your assigned uncharacterized entry-level separation remains appropriate. Applicable regulations authorize an uncharacterized entry-level separation if the processing of an individual's separation begins within 180 days of the individual's entry on active service, as in your case. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applies in your case. Further, the Board noted you provided no evidence to substantiate your contentions that your reason for separation is erroneous. Based on the record, you affirmatively acknowledged your rights during your administrative separation processing and were appropriately discharged based on entry level performance and conduct, as evidenced by your multiple academic test failures. The Board determined the presumption of regularity applies in your case and you have not provided sufficient evidence to overcome the presumption that you were properly discharged. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities.

Therefore, while the Board commends your post-discharge accomplishments and carefully considered the evidence you submitted in mitigation, 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 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,

1/24/2025

