



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

██████████
Docket No. 9710-24
Ref: Signature Date

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Dear ██████████

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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, 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy Reserves and began a period of active duty on 12 July 1990. Upon your enlistment, you admitted pre-service arrest. On 23 July 1990, you were notified of the initiation of administrative separation proceedings by reason of Other Physical / Mental Conditions – Personality Disorder. On 26 July 1990, you were discharged with an uncharacterized entry level separation (ELS).

On 22 March 2023, this Board granted your request for a correction to your narrative reason for separation on your Certificate of Release or Discharge from Active Duty (DD Form 214).

Specifically, the Board recommended that your narrative reason for separation be changed from “Other Physical/Mental Conditions-Personality Disorder” to “Secretarial Authority.”

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 a discharge characterization upgrade and contentions that: (a) your narrative reason for separation was changed to “secretarial authority” after you assert that it cause discrimination, (b) DoD guidance on Personality Disorder discharges required that service members must be counseled, be given the opportunity to overcome deficiencies, and given written notification prior to be separated on the basis of Personality Disorder, (c) you were 18 years of age and not afforded any of these protections the time of your discharge, (d) since your discharge, you have been diagnosed by a Department of Veterans Affairs (VA) psychiatrist with Generalized Anxiety Disorder and Dysthymic Disorder, (e) nobody has ever diagnosed you with a Personality Disorder which you were listed for your less than honorable separation, (f) you were originally discharged for a physical /mental condition-personality disorder and there was no diagnosis for it, (g) you were under severe mental stress and trauma after being abuse by your commanding officer, (h) it is very stressful and wrong for you to keep going through this and you want your discharge to be upgraded as you were wrongfully discharged. For purposes of clemency and equity consideration, the Board noted you did provided copies of your BCNR Decision Document, Certification Consortium Certificate, Master’s Degree Certificate, VA Decision Document, Project Management Certificate, and the ██████████ Veterans of America Analysis on Illegal Personality Discharge Problem.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board noted you were appropriately assigned an uncharacterized ELS¹. Applicable regulations direct an uncharacterized ELS if the processing of an individual's separation begins within 180 days of entry into active service. While there is exception to this policy in cases involving misconduct or extraordinary performance, the Board concluded neither exception applied in your case. Further, the Board determined you were appropriately processed and discharged based on your personality disorder. While the Board considered your contentions regarding your current diagnosis, they concluded that the presumption of regularity applies in your case. 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. The Board determined the evidence you presented was insufficient to overcome the presumption in your case.

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

¹ The Board noted that you state the “record” reflects that you were discharged “Under Honorable Conditions” and not “Honorable.” The Board observed that you are likely referencing the 24 September 2024 VA certification letter that states your character of service is “Under Honorable Conditions.” The Board determined this is a VA administrative determination that has no bearing to your assigned uncharacterized ELS discharge. Your discharge from the Navy remains uncharacterized based on your 15 days of active duty service.

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 the 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,

2/14/2025

