



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

██████████
Docket No. 10656-24
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 case 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).

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 on the evidence of record.

You enlisted in the U.S. Navy and began a period of active duty on 12 August 1998. On 9 September 1998, you were diagnosed with recurrent headaches and tremors (idiopathic). Consequently, you were notified of your pending administrative processing by reason of Defective Enlistment and Induction due to erroneous enlistment as evidenced by recurrent headaches; at which time you waived your right to consult with counsel. On 22 September 1988, you were discharged with an uncharacterized entry level separation (ELS) by reason of failed medical/physical procurement standards.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 your contentions that: (1) you were discharged from basic training due to health issues that began after a traumatic swim test, (2) despite notifying officers that you could not swim, you were forced to jump from a 12-foot platform into deep water, (3) as you pleaded with the commanding officer, you were thrown into the water, rescued, and then made to repeat the ordeal, (4) following this, you developed severe health problems, including migraines and loss of motor skills, leading to your discharge from the Navy, and (5) the trauma from this experience has had a lasting and significant impact on your mental health. Additionally, the Board noted you checked the "PTSD" box on your application but chose not to respond to the 28 October 2024 letter from the Board requesting evidence in support of your claim. For purposes of clemency and equity consideration, the Board considered the evidence you submitted in support of your application.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your assigned uncharacterized ELS remains accurate as you were processed for separation within your first 180 days of active duty. Service regulations direct the assignment of an uncharacterized ELS when a service member is processed for separation within their first 180 days of active duty. While there are exceptions to the policy in cases involving misconduct or extraordinary performance, the Board determined neither applied in your case.

Therefore, while the Board 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 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 is attached 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
