



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

██████████
Docket No. 10719-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 10 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 this 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 U.S. Navy and began a period of active duty on 24 August 1992. Unfortunately, the documents related to your administrative separation are not in your official military personnel file (OMPF). In this regard, 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. Your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Navy on 14 March 1996 with a General (Under Honorable Conditions) characterization of service, your narrative reason for separation is "Weight Control Failure," your separation code is "JCR," and your reentry code is "RE-4."

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) your narrative separation reason states you were discharge due to weight control failure

but you were 6'0, 185 pounds when you failed your physical fitness test (PFT), (2) your reason for failing three PFT tests were due to severe shin splints and had nothing to do with your weight, (3) you did not want to leave the Navy but were unable to pass the run portion of the tests as a result of your shin splints, (4) you had no other issues while serving on active duty besides failing the run portion of your PFT test, (5) besides your failed PFT tests, your service was Honorable, (6) your discharge characterization always bothered you and you would like it upgraded to reflect Honorable, and (7) you never thought about your discharge until your spouse recently looked into her Department of Veterans Affairs benefits. For purposes of clemency and equity consideration, the Board noted you provided a copy of your Certificate of Release or Discharge from Active Duty (DD Form 214).

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board found no error or inequity in your assigned discharge. The Board noted physical fitness is a critical component of operational effectiveness and passing the physical fitness test ensures that personnel are physically prepared to meet the demands of Naval operations, combat scenarios, and mission-critical tasks, ultimately enhancing force resilience. Additionally, a lack of physical readiness compromises mission success, endangers fellow service members, and undermines overall force effectiveness. Finally, the Board noted that you provided no evidence, other than your DD Form 214, to substantiate your contention that your discharge was due to severe shin splints rather than weight control issues. Consequently, the Board determined 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. As a result, the Board concluded that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service.

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,

3/5/2025

