



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

Docket No. 12361-24
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 10 March 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 Marine Corps and commenced active duty on 24 January 2001. On 8 February 2001, you reported to medical complaining of shortness of breath when running and indicated you had a history of asthma in your family. On 14 February, you received a pulmonary examination where you reported a childhood history of shortness of breath and disclosed that you had been feeling poorly for the past month-and-a-half. You were diagnosed with Asthma that existed prior to entry and recovering from pneumonia. On 16 February 2001, you were determined by a medical professional be not physically qualified due to a medical condition, Asthma, that existed prior to entry and was not aggravated by service.

Consequently, on 27 February 2001, you were notified of pending administrative separation processing with uncharacterized discharge by reason of Erroneous Enlistment due to a pre-service medical condition, Asthma. You waived your rights to consult counsel or submit a statement. The separation authority subsequently directed your discharge with an uncharacterized entry level separation and you were so discharged on 2 March 2001.

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 reason for separation and your contentions that you contracted double pneumonia in bootcamp, you never had Asthma, no one in your family ever had Asthma, you showed normal lung function on a pulmonary test when you returned home, and you are prevented from joining the Navy Reserve as an officer due to your narrative reason for separation. For the purpose of clemency and equity consideration, the Board considered the entirety of your application including your enclosures.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your reason for separation remains appropriate. The Board noted that your records indicate that you disclosed a family history of Asthma and a history of shortness of breath. Based on the information you provided, medical professionals diagnosed with a disqualifying pre-service medical condition – Asthma. Therefore, the Board was not persuaded by your contentions that you were misdiagnosed.

The Board observed that documentation you provided indicates that you are not medically prevented from commissioning as a Nurse in the Navy or Navy Reserve. The Board noted that you provided a medical report, dated 6 September 2002, indicating no evidence of Asthma. Additionally, a Navy Recruiting Command Letter, dated 25 August 2023, indicating you were physically qualified for Restricted Line and Staff Corps. Further, the Board noted that your separation program designator of ■ accurately describes the circumstances of your involuntary discharge as erroneously enlisted due to failing to meet physical standards. Finally, the Board noted that your reentry code of “RE-3F” indicates you did not complete bootcamp and require Marine Corps Headquarters approval for reenlistment. The Board also found this to be an accurate and appropriate description of your reentry status.

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 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,

3/31/2025

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