



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

██████████
Docket No. 94-25
Ref: Signature Date

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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 4 April 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 based on the evidence of record.

You enlisted in the delayed entry program (DEP) for the U.S. Navy on 18 February 1983. However, on 17 February 1984, after spending the maximum time allowed in the DEP, you were administratively separated from the Navy with an uncharacterized entry level separation (ELS). The official "Page 13" entry from your service record documenting your ELS noted:

Administratively Separated this date with an uncharacterized Entry Level Separation. Auth: CRUITMAN-ENL Chapter 7 and MILPERSMAN 3630810.

A total of 365 days have passed since the beginning of this DEP Period.
REASON: MAXIMUM TIME ALLOWED IN DEP (365 DAYS). NOT
RECOMMENDED FOR REENLISTMENT. REENLISTMENT MAY NOT BE
EFFECTED WITHOUT THE PRIOR APPROVAL OF THE NAVY
RECRUITING DISTRICT COMMANDING OFFICER...OR THE
COMMANDER, NAVAL MILITARY PERSONNEL COMMAND.

On 9 June 2014, this Board denied your initial petition for discharge upgrade relief. The BCNR advised you that a DD Form 214 is issued to service members who served on active duty for ninety (90) days or more and noted that you never served on active duty.

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 DD Form 214 annotating an Honorable characterization of service and your contentions that: (a) your enlisting officer recommend that you sign out of the military at such time because you had certain health issues, and (b) you have included a document stating your service was characterized as Honorable. For purposes of clemency and equity consideration, the Board considered the totality of the evidence you provided in support of your application.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. The Board determined that your Navy service records and the Page 13 issued upon your DEP discharge as maintained by the Department of the Navy (DoN) contained no known errors.

The Board noted that at no time in your brief Navy DEP "service" were you ever discharged from the DEP for the purpose of beginning a period of active duty service, or that you ever served a single day on active duty. Thus, the Board determined that you never performed any Navy active duty service that would require some sort of discharge characterization upon your ultimate separation.

The Board determined that the letter, dated 11 May 1984, from ██████████
██████████ stating you were honorably discharged from the inactive status of the U.S. Naval Reserve was erroneous and not persuasive. The Board concluded that such ██████████ letter was, more likely than not, issued in error and ignored the fact that you never served on active duty to earn a discharge characterization. Absent evidence that you served on of active duty for the required period of time, the Board found no basis to find that you qualified for an Honorable discharge on a DD Form 214 or DD Form 256.

As a result, 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. Notwithstanding, in the absence of presenting any new matters for the Board's consideration, at this time the decision of the Board would now be final, and your only future recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

4/10/2025

