



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

██████████
Docket No. 0255-25
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 7 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 your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and commenced active duty on 5 September 2006. On 22 September 2006, administrative remarks in your Official Military Personnel File reflect you were not eligible for reenlistment due to "ASMO Code: 311 JFC." "JFC" is a separation code corresponding to erroneous entry into the service, while "311" indicates separation was for psychological reasons.

Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, 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. Based on the information contained on your Certificate of Release or Discharge from Active

Duty (DD Form 214), you were separated on 6 October 2006 with an Uncharacterized (Entry Level Separation)(ELS), your narrative reason for separation is Erroneous Entry (Other), your reentry code is RE-3E, and your separation code is JFC; which, as stated above, corresponds to "erroneous entry."

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 upgrade your discharge to Honorable and change your narrative reason for separation to "medical." You contend you should have been medically separated by the Navy and that you have been working with a Department of Veterans Affairs hospital clinic to resolve this issue without success. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application; which included your marriage certificate and DD Form 214.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board found no error or injustice in your discharge, and determined, in the absence of evidence to the contrary, that your uncharacterized ELS remains appropriate. The Board noted that service regulations direct the assignment of an uncharacterized ELS when a service member is processed for discharge within their first 180 days of active duty. While there are exceptions to policy, the Board determined none applied in your case.

Regarding your request for a "medical" discharge, the Board found insufficient evidence to support your request and determined the presumption of regularity applies in your case. Therefore, absent substantial evidence to the contrary, the Board concluded your erroneous entry discharge also remains appropriate.

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,

4/18/2025

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