



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

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Docket No. 1286-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 12 May 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, 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 Navy with a waiver and began a period of active duty on 10 December 2002. Prior to commencing active duty, you admitted preservice use of marijuana, theft, unauthorized use of a motor vehicle, and an arrest warrant. On 26 January 2003, a recruit evaluation report was completed as a result of your inability to adapt to a military environment. On 28 January 2003, you were evaluated by a medical officer as a result of your failure to adapt to the military environment and were diagnosed with Oppositional Defiant Disorder and Passive Aggressive Personality Disorder (EPTE) with Antisocial Features. On 30 January 2003, you were notified of the initiation of administrative separation proceedings by reason defective enlistment and induction due to erroneous enlistment. On 20 February 2003, the separation authority approved an Uncharacterized Entry Level Separation (ELS) discharge of service by reason of defective

enlistment and induction due to erroneous enlistment. On 25 February 2003, you were so discharged.

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 discharge characterization upgrade¹ to become eligible for Department of Veterans Affairs (VA) benefits. You contend that this correction should be made so that you may be able to receive help from the VA. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your petition without any other additional documentation.

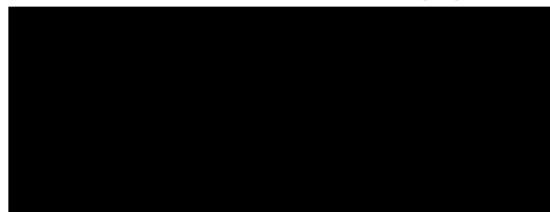
After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board noted you were appropriately assigned an uncharacterized ELS based on your time in service. Applicable regulations authorize an uncharacterized entry level separation if the processing of an individual's separation begins within 180 days of entry into active service. While there are exception to this policy in cases involving misconduct or extraordinary performance, the Board concluded neither exception applied in your case. Further, the Board noted you were appropriately processed and discharged based on your erroneous enlistment. The Board determined your discharge is supported by the medical evidence included in your records that documents your preexisting personality disorder.

Therefore, 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 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,

5/29/2025



¹ The Board noted that you requested an upgrade from an "Other Than Honorable" (OTH) discharge as part of your application. The Board found no evidence you were assigned an OTH discharge.