



Docket No. 1317-25  
Ref: Signature Date

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 19 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 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).

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 on the evidence of record.

You enlisted in the Navy and began a period of active duty on 8 September 1989. Your record reflects a medical board diagnosed you with a recurrent left shoulder dislocation that existed prior to your entry into military service. On 6 March 1990, you were not recommended for reenlistment due to your preexisting physical disability.

Unfortunately, the documents related to your administrative separation are not in your record. 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 DD Form 214 reveals you were separated from the Navy, on 6 March 1990, with an uncharacterized entry level separation (ELS) by reason

of “physical disability existing prior to entry on active duty, established by medical board,” separation authority of “MILPERSMAN 3620270,” separation code of “JFN,” and reenlistment code of “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 you were 18 years old and joined the Navy with the goal of completing a full military career and retiring from service. However, due to unforeseen family circumstances requiring your presence at home to support your mother and family, you were ultimately forced to separate from the Navy. At the time, you were advised that it would be administratively easier to process for discharge under a pre-existing condition rather than for hardship; and you followed that guidance. Now, at 53, you deeply regret that decision; particularly because your separation was documented for a reason that does not accurately reflect the reality of your situation. You add, you are not seeking any benefits from the Department of Veterans Affairs; rather, you wish only to have your record reflect your honorable intent to serve and to be acknowledged for your willingness to do so. 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 a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your assigned uncharacterized ELS remains accurate as you were processed for separation within your first 180 days of active duty. Service regulations direct the assignment of an uncharacterized ELS when a service member is processed for separation within their first 180 days of active duty. While there are exceptions to the policy in cases involving misconduct or extraordinary performance, the Board determined neither applied in your case.

Further, the Board determined insufficient evidence exists to overcome the presumption of regularity in your case. The Board noted you provided no evidence, other than your statement, to substantiate your contention that you should have been processed for a hardship discharge. Therefore, the Board determined your reason for separation remains appropriate.

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,

5/29/2025

