



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

██████████
Docket No. 1808-25
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 16 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).

You entered active duty with the Navy on 9 June 1978. On 12 July 1978, a Medical Evaluation Board (MEB) diagnosed you with post traumatic chondromalacia, bilateral a condition that existed prior to enlistment (EPTE). The same day, you acknowledged findings of the MEB and the decision that you would be discharged by reason of enlisted in error. On 17 July 1978, you were formerly counseled on not being eligible for reenlistment due to disqualifying factors and receiving an RE-3E reenlistment code.

Unfortunately, not all the documents pertinent to your administrative separation are 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. Your Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that you were separated from the Navy on 17 July 1978 with a Honorable characterization of service, your

narrative reason for separation is “Enlisted In Error,” your separation code is “GFC,” and your reenlistment code is “RE-3E.”

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 change your reason for separation and your contentions that the Department of Veterans Affairs (VA) is referencing a car accident as the reason for your discharge, the VA is denying you benefits based on your narrative reason for separation, and your injuries were sustained in basic training. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that you were properly discharged for erroneous enlistment based on a medical board determination that you incurred a disqualifying bilateral knee condition as a result of a pre-service motor vehicle accident and were enlisted in error since you did not meet minimal physical requirements due to your knee condition. Absent substantiate evidence to the contrary, the Board determined the presumption of regularity applies to the MEB findings. The Board determined your evidence was insufficient to overcome the presumption in your case. Finally, absent a material error or injustice, the Board declined to summarily change a discharge solely for the purpose of facilitating veterans’ benefits, or enhancing educational or employment opportunities.

As a result, while the Board carefully considered the documentation 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 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,

4/29/2025

