

DEPARTMENT OF THE NAVY

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

> Docket No. 3029-25 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 7 July 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 enlisted in the Navy and commenced active duty on 27 June 1988. 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 19 December 1988, with an "Entry Level Separation (Uncharacterized)" characterization of service, your narrative reason for separation is "Physical Disability existing prior to entry on active duty, established by medical board, not entitled to severance pay," your reentry code is "RE-4," and your separation code is "JFN;" which corresponds to Disability, existed prior to service, medical board.

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 change your discharge characterization of service and your contentions that your files say Honorable but block 23 of your DD Form 214 reads only as "Discharged" and that you are being rejected for service because your DD Form 214 is incomplete. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the copy of your DD Form 214 you provided.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. The Board determined your assigned uncharacterized entry-level separation remains appropriate. The Board observed that you referred to Block 23, "Type of Separation," in your application; however, characterization of service is indicated in Block 24, "Character of Service." Your DD Form 214's Block 24 indicates "Entry Level Separation (Uncharacterized)." The Board noted, at your time of discharge, your total time in service was less than 180 days and the applicable regulations required an Uncharacterized, Entry Level Separation if the processing of an individual's separation began within 180 days of the individual's entry on active service. While there are exceptions to policy in cases where an Honorable discharge is clearly warranted by unusual circumstances involving personal conduct and performance or the circumstances, the Board determined none apply in your case. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities.

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 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.

