



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

██████████
Docket No. 5259-25
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 13 August 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 Marine Corps on 17 May 1995. On 18 May 1995, you reported to the branch medical clinic complaining of problems with your right index finger. You were diagnosed with a growth on your right index finger, that existed prior to enlistment (EPTE) and recommended for administrative separation due to failure to meet the minimum standards for enlistment into the Marine Corps and the inability to complete training. On 23 May 1995, you were formerly counseled on being separated from the Marine Corps due to erroneous enlistment and being diagnosed with a growth on your right index finger. Consequently, you were notified of pending administrative separation action by reason of defective/erroneous enlistment. After electing to waive your rights, your commanding officer forwarded your package to the separation authority (SA) recommending your discharge with an uncharacterized entry level separation. The SA approved the recommendation and you were so discharged after 10 days of active duty on 26 May 1995.

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 and contentions that you were told that you had bone spurs in your trigger finger, the Marine Corps discharged you instead of helping you, and your injury was not your fault. You also checked the “PTSD” and “Other Mental Health” boxes on your application but did not respond to the Board’s request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and a benefits letter from the Department of Veterans Affairs (VA).

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that you were properly assigned an uncharacterized entry-level separation based on your time in service. The Board noted that service regulations direct that members processed for separation within their first 180 days of active duty service are to be assigned an uncharacterized entry-level separation. While there are exceptions to this policy, the Board did not find any that apply in your case. Finally, the Board was not persuaded by your argument that the Marine Corps had an obligation to assist and retain you after discovering that you were erroneously enlisted after failing to meet induction standards. Based on the medical evaluation at the time, you were unable to complete your initial training due to your finger condition. Finally, the Board noted that VA eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA eligibility determinations, disability ratings, and/or discharge classifications are not binding on the Department of the Navy and have no bearing on previous active duty service discharge characterizations.

Therefore, while the Board carefully considered the evidence you provided 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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,

8/28/2025

