



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 22204

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Docket No. 5745-25  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 22 December 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).

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 17 December 1990. On 2 January 1991, a medical board diagnosed you with pes planus (flat feet), bilateral feet, which existed prior to your enlistment and recommended you be processed for separation for erroneous enlistment due to your failure to meet induction standards. Consequently, you were notified of your pending administrative processing by reason of defective enlistment and induction due to erroneous enlistment; at which time you waived your procedural right to consult with counsel. On 15 January 1991, you were discharged with an uncharacterized entry-level separation (ELS) by reason of erroneous enlistment-enlisted in error.

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 to have your narrative reason for separation change to “medical” or “honorable.” You contend your enlistment was not erroneous<sup>1</sup> since your discharge was the result of a physical condition (flat feet) that required arch supports and your discharge was recommended in lieu of providing the requested remedy. Therefore, you believe your discharge should be upgraded to an Honorable characterization. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any additional documentation.

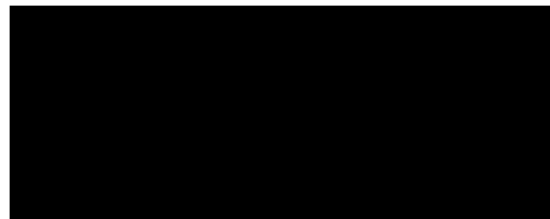
After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your assigned uncharacterized ELS remains accurate as you were processed for separation within your first 180 days of active duty. Service regulations 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.

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 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,

1/13/2026



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<sup>1</sup> An erroneous enlistment occurs when the Navy enlists a service member in error due to no fault of the service member. This occurred in your case based on the existence of your preexisting pes planus condition which formed the basis for a medical determination that you did not meet induction standards for enlistment. A fraudulent enlistment occurs when the Navy erroneously enlists a service member due to the fault of the service member.