



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 5902-25

Ref: Signature Date

[REDACTED]

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 25 November 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 based on the evidence of record.

You enlisted in the Marine Corps and began a period of active duty on 5 December 2005. On 27 January 2006, you were evaluated and diagnosed with sensorineural hearing loss; a condition which meant you did not meet enlistment standards. On 30 January 2006, you were recommended for Entry Level Separation (ELS) based on your diagnosis of sensorineural hearing loss.

On 2 February 2006, you were evaluated and diagnosed with depressive disorder. You were again recommended for ELS but for non-adaptability/unsuitability due to pre-existing psychiatric

disorder that is interfered with your capacity to adapt to recruit training. On 8 February 2006, you were issued an administrative remarks (Page 11) counseling concerning your inability to adapt to military environment due to your pre-existing depressive disorder.

Subsequently, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of entry level performance and conduct due to failure to adapt to the Marine Corps environment. You were informed that the least favorable characterization of separation you may receive is an uncharacterized Entry Level Separation (ELS). You were advised of your procedural rights and waived your right to consult counsel and to submit a written statement in rebuttal to your recommendation for administrative separation. Ultimately, the separation authority directed your uncharacterized ELS from the Marine Corps by reason of entry level performance and conduct. On 13 February 2008, you were so discharged and assigned an RE-3F reenlistment code.

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 character of service, change your reentry code to RE-1, and to receive the National Defense Medal and any medals that you are entitled to. You content that: (1) you were told by medical professionals that your discharge was being processed due to your ear being perforated, (2) it is an injustice that you do not qualify for benefits, (3) while in the line of duty you were injured, (4) you were told by a civilian doctor that you could not serve due the injury you sustained and permanent hearing loss that occurred, (5) you have 20 plus years of stellar work history and have obtained your Associate's, Bachelor's and Master's Degree, (6) you have had no mental health issues in the 39 years you have been alive, and (7) a decision was made to prevent you from receiving benefits that might have been afforded to you. You also checked the "Other Mental Health" box on your application but did not respond to the Board's request for evidence in support of this claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, your submission of medical documentation from your service record, your academic transcript, and a copy of your master's degree.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your assigned uncharacterized ELS remains appropriate. Applicable regulations authorize an uncharacterized ELS if the processing of an individual's separation begins within 180 days of the individual's entry on active service. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applies in your case. Based on the record, you affirmatively acknowledged your rights during your administrative separation processing and were appropriately discharged based on a medical recommendation. Consequently, based on the lack of substantial evidence to the contrary, the Board determined the presumption of regularity applies in your case.

Furthermore, the Board observed that a RE-3F reenlistment code is authorized by regulatory guidance and does not automatically bar reenlistment but requires that a waiver be obtained. Therefore, the Board determined your assigned reentry code also remains appropriate in light of your diagnoses.

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 your request does not merit relief.

The Board did not consider your requests for the National Defense Medal or other awards since there was no evidence that you had exhausted your administrative remedies by requesting an awards review through the Marine Corps prior to requesting a review by this Board. Should you be denied relief by the Marine Corps, you may submit an application for reconsideration to this Board.

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,

12/8/2025

