



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

██████████
Docket No. 5927-25
Ref: Signature Date

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Dear ██████████

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 23 January 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, policies with respect to entry level separations, and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

You previously applied to the Board contending that a letter from the Department of Veterans Affairs (VA) reflected a "change" in your uncharacterized discharge to General (Under Honorable Conditions) and that you believe your discharge should be Honorable. Your request was considered on 28 March 2022 and denied. The Board's previous decision clearly explained that service regulations direct the assignment of uncharacterized entry-level separations for service members who are processed for separation within their first 180 days of active-duty service. Because you were separated within your first 180 days of active-duty service, the Board found no error with your assigned uncharacterized entry-level separation. The Board also concluded that no injustice exists simply because the VA has assigned you a different characterization of service specifically for VA purposes; such decisions are not binding on the Department of the Navy nor are they evidence that an error exists in your record. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially determined that there was no impropriety or inequity in your discharge and concluded that your uncharacterized discharge was properly issued in accordance with applicable regulations. While the Board considered your contentions that you had no issues with your pre-existing knee injury prior to recruit training, you properly completed your medical entrance screening, and that you re-injured your knee during a run, the Board noted that the medical board did, in fact, find that your knee injury failed to meet medical standards for enlistment. In this regard, the Board applied a presumption of regularity to the level of review the medical board afforded to all available medical evidence pertaining to your injury. To the extent that your narrative reason for separation states you were not aware of the defect and that the defect was not detected or waived by the MEPS, the Board noted that, although you reported a pre-service knee injury which the MEPS reviewed during your medical exam, the MEPS concluded that your injury had adequately healed and did not require a formal waiver. It also appears not to have required further review by an orthopedic specialist. In short, although the medical board found that you were not medically fit to enlist, the MEPS screening failed to identify the scope of your medical disqualification. As a result, the Board found that the process during your MEPS medical exam failed to properly identify the scope of your pre-existing injury. As such, the Board concluded that you would not have been found medically fit to enlist if the full scope of your pre-existing injury had been known or if you had received more thorough screening during your MEPS exam. Therefore, the board concluded that your narrative reason for separation accurately reflects that you failed to meet physical procurement standards and were enlisted in error.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of your service, the negative effect your discharge has had on your life, your allegations that you were denied due process during your separation processing, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Foremost, the Board was not persuaded by your argument that an uncharacterized discharge is stigmatizing or unfair. The regulations regarding the issuance of uncharacterized discharges to members in an entry-level status apply equally to all members of all military branches of service. Furthermore, such discharges are not considered to be less than honorable for VA purposes and do not prevent you from applying for any veteran benefits to which your length of service might entitle you. Rather, your uncharacterized discharge accurately reflects that you were discharged prior to completing more than 180 days of service.

Further, to the extent that you allege that you were separated without the requisite investigation, the Board observed that the proposed administrative action regarding your discharge documented the medical board's recommendation and determined that there was no recruiter error involved. While the Board concurred that there is no evidence of recruiter error, the Board noted that your case was assigned to detectability code category III, whereas Category II would have been more appropriate. However, the Board concurred that the assignment of Category I was not appropriate and the scope of inquiry conducted via the medical board and review of MEPS processing records reflects sufficient investigation to confirm that you did have a pre-existing

medical condition that rendered you medically unfit for enlistment, that you did not conceal that condition, and that your recruiter did not attempt to have you conceal that condition.

Finally, the Board was not persuaded by your allegation that you were not permitted to submit a statement regarding your administrative separation. Specifically because your notification letter contains an acknowledgment of rights, which you confirmed with your initials, where you expressly declined to submit a written statement in rebuttal. Therefore, the Board found no injustice in the processing of your administrative separation or the assignment of an uncharacterized entry level separation in your case.

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 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,

2/18/2026

