



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

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Docket No. 7633-25
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 19 December 2025. The names and votes of the panel members will be furnished upon request. Your allegation of injustice was 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 commenced active duty on 29 January 2001. On 10 May 2001, you reported to the █ for training. On 14 May 2001 you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of physical condition, not a disability. You were advised of, and waived, your procedural rights and the separation authority directed your administrative discharge from the naval service with an uncharacterized entry-level separation for condition, not a disability. You were so discharged on 1 August 2001. Your time in service when you were notified of your processing for administrative separation was 106 days.

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 upgrade your character of service and your contentions that: (1) an upgrade is warranted based on your satisfactory performance, (2) the circumstances surrounding your separation was solely due to a medical condition and not related to performance, conduct, or dedication to duty, and (3) you served beyond the standard 180 day threshold typically associated with entry level status. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Forms 149 without any other additional documentation.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your assigned uncharacterized entry-level separation remains appropriate. Applicable regulations authorize an uncharacterized entry-level separation if the *processing* of an individual's separation begins within 180 days of the individual's entry into active service. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applies in your case. Since you were notified of separation proceedings approximately 106 days after you commenced active duty, the Board concluded you were properly issued an uncharacterized ELS discharge. The Board was not persuaded by your argument that your service beyond your first 180 days of active duty merits the issuance of an Honorable characterization of service since the applicable regulations specifically direct an uncharacterized ELS based on the initiation of administrative processing date rather than the date of separation from active duty.

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.

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,



Executive Director

Signed by: 