

right to consult with military counsel and to submit a written statement. The separation authority directed your administrative discharge from the Marine Corps with an uncharacterized entry-level separation for erroneous enlistment due to chronic wrist pain and you were so discharged on 12 September 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 discharge¹ and your contentions that: (1) you slipped and injured your wrist during basic, (2) you were told because you had surgery before enlistment, even though you were cleared by the Military Entrance Processing Station (MEPS), you had no chance to speak to a medical board, (3) you would not have enlisted if you had not been cleared by MEPS and (4) you have had multiple operations since your discharge but did not realize you could appeal your discharge until recently when you joined the Veterans of Foreign Wars. 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 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. Further, the Board determined you were appropriately processed and discharged based on a medical recommendation that you did not meet induction standards. While you are correct that you would not have been allowed to enlist in the Marine Corps without being cleared by MEPS, the Board found your erroneous enlistment discharge consistent with your record that indicates you were unable to properly train due after undergoing wrist surgery for torn cartilage and ligaments approximately two months prior to entering basic training. In essence, the Board agreed that the Marine Corps, specifically MEPS, enlisted you in error after misjudging your recovery from wrist surgery. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Therefore, absent substantial evidence to the contrary, the Board determined the presumption of regularity applies to your administrative separation processing.

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

¹ The Board noted you stated you received an "Other Than Honorable" (OTH) discharge and requested it be upgraded to "Honorable." As previously discussed, you were assigned an uncharacterized entry-level separation upon your discharge. The Board found no evidence you were issued an OTH characterization of service.

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,

1/18/2026

