



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

██████████
Docket No. 9102-25
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 24 March 2026. 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, applicable statutes, regulations, and policies, to include the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)/mental health condition (MHC) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the Navy and commenced period of active duty on 31 May 2000.
2. On 9 August 2000, you received a mental health evaluation that diagnosed you with a borderline personality disorder that existed prior to enlistment (EPTE). As a result, you were recommended for an entry level separation (ELS) due to a disqualifying psychiatric condition.
3. Consequently, you were notified of pending administrative separation action by reason of convenience of the government due to erroneous enlistment based on your diagnosed personality disorder. After you elected to waive your rights, your commanding officer forwarded your

package to the separation authority (SA) recommending your discharge by reason of erroneous enlistment with an uncharacterized ELS.

4. Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, 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. Your Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that you were separated from the Navy, on 13 September 2000, with an Uncharacterized (Entry Level Separation) characterization of service, narrative reason for separation of "Erroneous Entry (Other)," separation code of "JFC," and reentry code of "RE-4."

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that:

1. Your record contains false separation data because you were injured and recommended for six months in the medical ward.
2. You elected to be separated because you were told your discharge could be upgraded to Honorable.
3. Your medical evaluation erroneously diagnosed you with a borderline personality disorder.
4. Your discharge was due to a bilateral shin injury that prevented you from walking or running. Your medical condition has worsened resulting in hip and spin problems.
5. You had stage three cervical cancer which was discovered by the Navy.

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

The Board initially concluded you were appropriately processed for administrative separation based on your diagnosed personality disorder. Further, the Board determined that you were properly assigned an uncharacterized entry-level separation based on your time in service. While the Board noted you dispute your personality disorder diagnosis, claim to have been discharged due to medical issues with your shins, and also claim to have been diagnosed with cancer while in service, they noted you provided no medical evidence in support of any of your contentions. Additionally, the Board noted you do not dispute your active duty time in service. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

However, because you raised the issue of mental health, the Board also applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon the circumstances for which you were discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found

insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the fact you provided no medical evidence in support of your claim. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the reason you were discharged was mitigated by a mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your characterization of service in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your contentions, your claimed physical and mental health issues, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that your uncharacterized ELS remains appropriate. The Board noted that service regulations direct the assignment of an uncharacterized ELS for service members processed for separation, as you were, within their first 180 days of active duty. While there are exceptions to this policy, the Board found that none applied to you based on the circumstances of your separation. In reviewing the circumstances of your case, the Board was unable to discern any facts that were extraordinary or uniquely different from countless of other former service members who were discharged while in an entry level status. While the Board acknowledged your desire for a discharge upgrade, it determined the Navy's interest in maintaining consistency in its personnel system outweigh those mitigation factors. Therefore, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

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,

4/6/2026

