



Docket No. 9675-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF
USN, [REDACTED]

Ref: (a) Title 10 U.S.C. §1552
(B) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Naval record (excerpts)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting for an upgrade of his characterization of service, service credit to the end of his enlistment contract with back pay, allowances, and an enlistment bonus, and change to his reentry code. Enclosures (1) through (2) apply.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 20 February 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies to included reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although the enclosure was not filed in a timely manner, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 17 December 2008.

d. On 28 January 2009, Petitioner was diagnosed with glaucoma, suspect (increased pressure of the eye), and recommended for administrative separation¹.

¹ This information was derived from the separation authority's approval letter of 4 February 2009.

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e. On 2 February 2009, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of Defective Enlistments and Inductions – Erroneous Enlistment due to a Physical or Medical Condition that Existed Prior to Entry Into the Naval Service. After Petitioner elected his rights, the Separation Authority directed Petitioner's separation. On 10 February 2009, he was discharged with an Uncharacterized Entry Level Separation (ELS) based on his Failed Medical/Failed Procurement Standards.

f. Petitioner contends that he went to MEPS in 2008 to join the Navy and, being married with two kids, was very excited for a new career after passing physical requirements. Then he was set up with an appointment before graduation and was told he had glaucoma and that he would receive an RE-4. The economy took a turn and he separated for divorce. He has since applied for disability and was denied for not having glaucoma in 2012. He has since had a glaucoma test in 2016. He further contends that he had to do research to find out some people have naturally higher eye pressure without glaucoma, there is evidence of low pressure glaucoma, he feels he was discriminated against because glaucoma is higher in African Americans and Hispanics, and that he was given the wrong medical diagnosis. He states he still doesn't have glaucoma at 43. In support of his application, Petitioner provided a personal statement, his social security administration determination letter, certificates of professional accomplishments, and service and medical record excerpts.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's record warrants partial relief.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his diagnosed glaucoma - suspect. While the Board carefully considered Petitioner's contention of a misdiagnosis, the Board was not persuaded by Petitioner's arguments. Specifically, the Board noted Petitioner's 2016 glaucoma evaluation diagnosed him with bilateral preglaucoma. In the Board's opinion, this is consistent with the Navy's diagnosis in 2009 that indicated Petitioner was suspected of glaucoma and, thus, not eligible for enlistment or induction into the Navy. The fact Petitioner did not actually suffer from glaucoma was determined to be irrelevant since Navy induction standards often disqualify individuals who are candidates to develop certain medical conditions that are incompatible with military service. Absent substantial evidence the Navy did not properly test Petitioner or apply the correct induction and enlistment medical standards to him, the Board determined the presumption of regularity applies to the finding that Petitioner was properly diagnosed and administratively separation with an uncharacterized ELS due to his disqualifying medical condition.

However, 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, Petitioner's contentions, Petitioner's need for veterans' benefits, and the negative effect Petitioner's discharge has had on his life.

The Board found that the mitigating factors were sufficient to justify some equitable relief. Specifically, the Board agreed with Petitioner that he did not suffer from glaucoma at the time of

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his administrative separation, despite medical evidence that he exhibited symptoms through available testing methods. Therefore, the Board determined it was in the interests of justice to change Petitioner's separation basis to reflect a "Secretarial Authority" discharge and his reentry code to "RE-3P." The Board determined this relief would address any stigma associated with Petitioner's assigned reason for separation and RE-4 reentry code.

Notwithstanding the recommended corrective action below, the Board determined the mitigating factors were sufficient to justify any further equitable relief and concluded Petitioner's assigned uncharacterized ELS remains appropriate. Specifically, the Board found that service regulations direct the assignment of an uncharacterized ELS for service members processed for separation, as Petitioner was, within their first 180 days of active duty. While there are exceptions to this policy, the Board found that none applied to Petitioner based on the circumstances of his separation. In reviewing the circumstances of Petitioner's 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 ELS status.

Further, the Board found no basis to grant Petitioner's request for service credit, back pay and allowances, and an enlistment bonus. As explained above, the Board was not persuaded by Petitioner's argument that he was denied a Navy career based on a misdiagnosis. Therefore, again, the Board found no extraordinary or unique facts associated with Petitioner's case to distinguish him from other service members who were similar discharged for failure to meet induction standards. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 10 February 2009, he was discharged with a narrative reason for separation of "Secretarial Authority," SPD code of "JFF," reentry code of "RE-3P" and separation authority of "MILPERSMAN 1910-164."

That no further changes be made to Petitioner's record.

That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

3/18/2026

