



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

██████████
Docket No. 10165-25
Ref: Signature Date

██
██
██

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.

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 on 14 April 2026, has carefully examined your current request. 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, 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 previously applied to this Board for a change to your reason for separation and were denied on 31 March 2011. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

In your application to this Board, you express a desire for your discharge character of service be upgraded to Honorable, your reason for separation be changed to medical, and your reentry code be changed to RE-1. You contend that:

- Your DD Form 214 that is currently in your record does not accurately reflect the circumstances of your separation from the Navy. You were informed that you were receiving an Honorable medical discharge with a reenlistment code of RE-1.
- The records you recently received contains altered dates, discharge status, and codes that conflict with both your original understanding and the Department of Veteran's Affairs (VA) records.
- Two and a half weeks before graduation you sustained a back injury during training and was hospitalized and despite your determination to continue you were informed that the injury would prevent you from completing your service.
- You desire to continue your service as a commissioned officer.

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 failure to meet medical/physical procurement standards. While the Board considered your contentions regarding what you were told at the time of your discharge, it could find no evidence to support your narrative of events. Further, your service medical record document that you were deemed as enlisted in error since you were diagnosed with preexisting symptomatic scoliosis. A condition you failed to disclose as part of your enlistment processing despite having a history of wearing a back brace. Therefore, the Board determined the presumption of regularity applies to your erroneous enlistment discharge. Further, the Board also determined you were appropriately assigned an uncharacterized entry-level separation (ELS) based on your active duty service time. While the Board noted the VA's determination that your service was deemed Honorable for eligibility for their benefits, the Board noted that VA eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA eligibility determinations, disability ratings, and/or discharge classifications are not binding on the Department of the Navy and have no bearing on previous active duty service discharge characterizations. Thus, the Board also determined the presumption of regularity applies to your uncharacterized ELS discharge. Finally, the Board determined your assigned reentry code is correct based on your diagnosed scoliosis condition, that is considered disqualifying for military service. Based on these findings, the Board determined no error exists with your record.

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, your desire for an upgrade to your characterization of service and changes to your reason for separation and reentry code, your contentions, 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 for erroneous enlistment and RE-4 reentry code 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 to continue military service, it determined the Department of the Navy's interest in maintaining consistency in its personnel system outweigh that mitigation factor. Further, as established in previous discussions, the VA's assessments of your service character are independent of and not probative to Navy discharge determinations. Therefore, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice. Based on the same rationale, the Board determined your reason for separation and reentry code also remain appropriate.

Accordingly, given the totality of the circumstances, the Board determined that 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,

5/19/2026

