



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

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Docket No. 11942-25
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 26 May 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 this 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 following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

- You enlisted in the Navy and began a period of active duty on 27 January 1993.
- On 4 February 1993, you were seen at the branch medical clinic for complaints of back pain. You disclosed to the medical officer that you had been in a car accident prior to your enlistment and had experienced back pain ever since, for which you had received chiropractic treatment. The medical officer confirmed that you did not disclose this pre-existing condition on your Report of Medical History at the Military Entrance Processing Station (MEPS).
- On 4 March 1993, a medical board convened and recommended your discharge on the basis that your enlistment was erroneous due to your failure to disclose a pre-existing medical condition. On 19 March 1993, you acknowledged the medical board's findings. On 20 March 1993, the convening authority favorably endorsed the administrative separation.

- On 23 March 1993, you were notified of the administrative separation proceedings and ultimately, discharged from the Navy with an uncharacterized Entry Level Separation (ELS) by reason of erroneous enlistment on 5 April 1993.

In your application to this Board, you request that your characterization of service be changed to Under Honorable Conditions and contend that you received a service connection rating for your back injury from the Department of Veterans Affairs (VA).

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

The Board initially concluded you were appropriately assigned an uncharacterized ELS based on your active duty time in service. While the Board considered your contention the VA assigned you a service connection for your back condition, it noted that you do not dispute your active duty service time. Therefore, the Board determined the presumption of regularity applies to your uncharacterized ELS and 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, 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 determined 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 the VA's decision to grant you a service connection for a preexisting condition and your desire for a discharge upgrade, it determined the Department of 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. In making this finding, the Board considered 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.

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

