



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

██████████
Docket No. 2272-26
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 you did not file your application in a timely manner, the Board waived the statute of limitation the interest of justice. A three-member panel of the Board, sitting in executive session, considered your application on 13 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, 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:

1. You enlisted in the Navy and began a period of active duty on 24 June 1991. During your enlistment processing, you were granted a waiver for having been previously rejected for enlistment in the U.S. Air Force. You received an initial entrance physical on 13 August 1990.
2. On 29 June 1991, you received a medical evaluation for a complaint of right knee swelling, which rendered you unable to walk or run without pain. This evaluation noted that you had no recent trauma to your knee since arriving at recruit training but you had reported significant medical history prior to your enlistment, which included a fracture to your right patella with an arthroscopic repair and removal of loose bodies, and for which you had initially been cleared through the Military Entrance Processing Station (MEPS) level screening.
3. A medical board report, dated 1 July 1991, diagnosed you with chondromalacia patella, right knee, secondary to osteochondral fracture, existing prior to entry. The medical board report

noted that you had reported the history of the injury during your initial enlistment physical and that the MEPS examining official had made a comment pertinent to the condition at that time, to the effect that it was not believed to be disqualifying. However, in light of your condition following through orthopedic review, the medical board found that your condition rendered you unable to perform the physical training requirements or to meet enlistment medical standards. As a result, it recommended that you not be granted a medical waiver due to the chronic nature of the problem and, instead, be processed for administrative separation due to having enlisted you in error, in accordance with Navy Military Personnel Manual Article 3620280.

4. On 10 July 1991, you were notified of being processed for an uncharacterized entry-level administrative separation due to defective enlistment or induction. You did not object to your proposed discharge or make a statement in rebuttal. The medical board's findings and its recommendation for your entry-level separation were approved, noting that you had failed to meet minimum physical procurement standards for enlistment at the time of your induction. You were so discharged, on 19 July 1991, with 26 days of total active-duty service.

In your application to this Board, you express a desire to upgrade your discharge to "under honorable conditions for VA purposes," to correct your narrative reason for separation to remove Erroneous Enlistment and reflect a "non-punitive" basis, and to correct your record to accurately reflect all time spent on active duty and under military control during training and separation. You contend that:

1. Your discharge unjustly bars you from post-service benefits and prevents recognition of his service, despite the absence of misconduct.

2. You enlisted at the age of 17, reported for active duty and recruit training, and intended to serve honorably.

3. You feel that your discharge record does not reflect the nature of your service or the circumstances of your separation.

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 disqualifying condition. The Board noted you do not contest the validity of the medical board report or your active duty service time. Thus, the Board found that you were properly discharged in an entry-level status, with uncharacterized service, after your pre-existing medical condition was determined to disqualify you from enlisting under physical procurement standards. The record is clear that there was no fraud or misconduct on your part since you properly reported your pre-service knee injury and surgery at the time of your entrance physical. The error was made by MEPS personnel who, at that time, erroneously believed that it was not disqualifying. Therefore, the error was attributed to the Department of the Navy, not to you, 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 and change to your reason for separation, your equity contentions, your need for veterans' benefits, 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 noted that service regulations direct the assignment of an uncharacterized entry-level separation 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. Additionally, the Board observed that your erroneous enlistment reason for separation is required under the circumstances of cases such as yours. While the Board acknowledged your desire for a discharge upgrade and change to your reason for separation, it determined the Navy's interest in maintaining consistency in its personnel system outweigh those mitigation factors. With respect to your contentions pertaining to veteran benefits, determinations of eligibility rest solely within the discretion of the Department of Veterans Affairs (VA). However, the Board noted that uncharacterized service does not reflect adversely upon a former service member nor does it prohibit the VA from determining that your period of service, however brief, was honorable for VA purposes. Based on these factors, the Board concluded an upgrade of your discharge characterization of service or a change to your reason for separation is not warranted in the interests of justice.

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 the 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 is attached 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

