



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 4153-14
8 May 2015

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USMC,
XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record/CD

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that her narrative reason for separation (fraudulent entry), separation designator (SPD) code (JDA1) and reenlistment code (RE-3P) be changed.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 April 2015 and, pursuant to its regulations, determined that the partial corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

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. Enclosure (1) was filed in a timely manner.

c. Petitioner's record contains a Report of Medical History dated 13 July 2012, which reflects that prior to enlisting, she had been evaluated or treated for a mental condition because her parents wanted to know if she had a learning disability.

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d. Petitioner enlisted in the Marine Corps and began a period of active duty on 17 June 2013. On 29 July 2013, she was referred for a mental health evaluation after reporting feeling depressed and stated she had an emotional breakdown. During evaluation Petitioner revealed a prior diagnosis of a learning disorder that required an individualized education plan.

e. As a result of the foregoing, Petitioner was recommended for an administrative separation due to fraudulent entry, and on 14 August 2013, she was so discharged.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable corrective action. The Board concluded that since Petitioner had previously disclosed her prior service evaluation for a learning disability, her entry into the Marine Corps was in fact not fraudulent. With that being said, the Board concluded that the record should be changed to reflect a less stigmatizing reason for separation. Specifically, the Board directed that the Certificate of Release or Discharge from Active Duty (DD Form 214) be corrected to reflect an "Erroneous Entry" and that the separation designator code (SPD) be changed to "HFC1" which coincides with the corrected narrative reason for separation. However, the Board found that no error or injustice existed when Petitioner was assigned an RE-3P reenlistment code, and concluded that it should remain in the record since it is the most appropriate code for an individual who was separated by reason of erroneous enlistment.

In view of the foregoing, the Board finds the existence of an injustice warranting the following partial corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the narrative reason for separation and SPD code (blocks 25 and 26) from "Fraudulent Entry" to "Erroneous Enlistment" and SPD code "JDA1" to "HFC1". That Petitioner be re-issued a corrected DD Form 214 which reflects the foregoing corrections vice issued a DD Form 215

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

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4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.



T. J. REED
Recorder

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



ROBERT J. O'NEILL
Executive Director