



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

[REDACTED]  
Docket No: 0962-22

Ref: Signature date

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

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

Ref: (a) 10 U.S.C. § 1552  
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)  
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)  
(d) USD Memo of 25 Aug 17 (Kurta Memo)  
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ encls  
(2) Advisory Opinion (AO) of 23 Feb 22

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 that his reentry code be changed from "RE-3F" and, by implication, narrative reason for separation be changed to "Secretarial Authority" with corresponding changes to the separation authority and separation code. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 March 2022, 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, applicable statutes, regulations, and policies, to include references (b) through (e). Additionally, the Board also considered enclosure (2), the advisory opinion (AO) furnished by qualified mental health provider.

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 Petitioner's 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 the application on its merits.

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c. Petitioner enlisted and completed his enlistment physical examination on 13 January 2017 with negative responses regarding current medications and medical history of nervous trouble (anxiety or panic attacks), receipt of counseling, or treatment/evaluation for anything other than minor illnesses. The initial mental health screening identified no need for further psychological or psychiatric consultation, and Petitioner began a period of active duty on 24 April 2017.

d. On 1 May 2017, Petitioner was sent to medical at Marine Corps Recruit Depot [REDACTED] for "a cough, sore throat, and dry spots on his head." Upon being questioned regarding past prescription medication, he identified medications not identified at the time of his enlistment which included mental health medications. As a result, he received a mental health evaluation during which he related his pre-service mental health treatment and was diagnosed with an unspecified anxiety disorder and medically cleared for an entry-level separation (ELS).

e. On 2 May 2017, Petitioner was interviewed regarding the nondisclosure of his medical history. In a written statement, he reported that his recruiter had advised him against mentioning any history of anti-depressant medication during his entrance physicals, so he did not. At the moment of truth, he feared admitting it would get his recruiter into trouble and prevent him from service, and remained silent again.

f. Petitioner was recommended for ELS by reason of fraudulent entry (Code JDA1) due to his nondisclosure of potentially disqualifying pre-service medical history and discharged on 8 May 2017 with uncharacterized service.

g. Petitioner contends that, although he was discharged for fraudulent entry due to his nondisclosure of pre-service mental health treatment, his discharge is unjust because he did not in fact suffer a mental health condition and that his in-service diagnosis of an unspecified anxiety disorder was erroneous, having been based on his report of prior treatment. In support of his contentions, Petitioner submitted documentation of his post-service medical records from several mental health professionals attesting to the fact that he currently suffers from no diagnosable condition and outlining that his pre-service treatment was out of his control during his childhood due to his mentally unstable mother projecting her own symptoms onto him and recounting that information mental health providers to secure his pre-service diagnosis and medications.

h. Petitioner provided post-service clemency evidence, accepting responsibility for his behavior, describing that he learned a major life lesson about his responsibility for his decisions regardless of advice he receives from others. He submitted several letters of support from faculty identifying his positive character traits which include confidence, willingness to accept criticism and use it to better himself, reliability, discipline, adaptability, commitment, work ethic, and integrity. One of his professors states, without hesitation, that he is the most respectful student she has ever had, able to function effectively around the clock in high stress situations. The department chair of his undergraduate major had so much confidence in Petitioner's abilities that he is one of two students she has ever recommended as an intern to her former employer.

i. Because Petitioner contends he did not suffer a pre-service mental health condition, the Board requested an AO from a qualified mental health provider. In reviewing Petitioner's in-service and post-service mental health records, the AO assessed that the evidence submitted by

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Petitioner supports his contention that he did not suffer from a mental health condition at the time of his enlistment or discharge. However, acknowledging that Petitioner's discharge resulted from post-enlistment disclosure of a condition which affected his military service, the AO opined that it would not be unreasonable to require a mental health evaluation to determine his qualification to reenlist.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that the Petitioner's request warrants favorable action in the form of relief. The Board reviewed his application under the guidance provided in references (b) through (e) intended to be covered by this policy.

In this regard, the Board notes Petitioner's misconduct and does not condone his failure to make required disclosures upon enlistment; however, the Board observed that Petitioner has shown sincere contrition for his mistake and has demonstrated admirable honesty and character in his post-service actions, to include his considerable efforts to properly document his mental health history. Notwithstanding the opinion of the AO in that it would be reasonable to require a more thorough mental health evaluation to determine future qualification for military service, the Board noted the AO's assessment that Petitioner did not suffer from a mental health condition. Moreover, the Board appreciated Petitioner's candor and expressed confidence that Petitioner has learned a valuable lesson that will ensure he acts with integrity in any future attempts to reenter. As a result, the Board found it in the interest of justice to grant the requested and implied corrections to his naval record.

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

#### RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that on 8 May 2017, his "Uncharacterized" discharge was issued under separation authority "MARCORSEPMAN par 6214" with a narrative reason for separation of "Secretarial Authority," separation code "JFF1," and re-entry code "RE-1A."

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

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/23/2022

[REDACTED]

Executive Director

[REDACTED]