



three days later, on 29 January 2018, with an uncharacterized entry-level separation and reenlistment code of RE-3P. This reenlistment code reflected the requirements for mental health reevaluation for any future enlistment attempt and a potential waiver depending upon the outcome of such evaluation.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change your reentry code to permit reenlistment and your contentions that you were merely evaluated by multiple doctors at the behest of your parents with no conclusive diagnosis, that your parents simply assumed you were on the Autism spectrum due to having been assigned an individual education plan in school, and that you have since confirmed with your primary care physician that you were never diagnosed as having any disorder or being on the Autism spectrum. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters.

Because you contend that mental health (MH) issues, or the lack thereof, affected the circumstances of your discharge, the Board also considered the AO, which noted in pertinent part:

Petitioner's OMPF did contain evidence of a diagnosis of a mental health condition that impaired his ability to function in the military environment. Petitioner did not submit evidence to refute the in-service diagnoses (i.e., post-discharge psychiatric evaluation). Caution should be taken in considering any change to his reenlistment code that would remove a requirement for a mental health re-evaluation, given the evidence of a possible mental health condition.

The AO concluded, "[b]ased on the available evidence, it is my considered clinical opinion there is sufficient evidence Petitioner experienced a mental health condition during his military service, which affected the circumstances of his discharge."

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that the preponderance of the evidence supports the Marine Corps' decision to administratively separate you for fraudulent enlistment based on your intentional failure to disclose your pre-service medical history. In making this finding, the Board concurred with the AO regarding the legitimate concern in ensuring you receive proper screening prior to any future attempt to reenlist, observing that your "RE-3P" code is not prohibitive merely cautionary. The Board also noted that you admit to having been evaluated by multiple mental health professionals during your parents' efforts to identify a diagnosis but denied that fact in reporting your medical history. In the Board's opinion, this constitutes fraudulent enlistment. Finally, the Board determined you were fortunate not to receive a RE-4 code based on your fraudulent conduct. As a result, the Board concluded you were appropriately assigned a RE-3P reentry code and it remains supported by the evidence. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants changing your reentry code or granting clemency in your case. 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,

7/25/2022

