



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

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Docket No: 2603-22

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 1 July 2022. 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).

You enlisted in the Navy and commenced active duty on 22 January 2018. Your pre-enlistment physical, on 4 May 2017, and self-reported medical history both noted no neurologic or psychiatric abnormalities, conditions, and/or symptoms. On your medical history you specifically denied having any history of depression or excessive worry.

On 29 January 2018, you were evaluated at the Recruit Evaluation Unit (REU) at Recruit Training Command, Great Lakes. You were diagnosed with a major depressive disorder, recurrent, moderate, that existed prior to entry to service (EPTE). The REU Medical Officer (MO) noted the following:

SR reported feeling significantly depressed beginning a week prior to boot camp and continuing after he arrived at RTC. The recruit reported that his emotional

distress has been so pronounced that he recently thought of jumping out of a window to kill himself. SR reported a history of untreated depression that occurred during his freshman and sophomore years in high school with thoughts of suicide at that time as well...Entry level separation is recommended due to a disqualifying psychiatric condition or behaviors affecting SR's potential for performance of expected duties and responsibilities while on active duty; the recruit poses risk if retained in USN.

The REU MO determined that your condition was sufficiently severe to significantly impair your ability to function effectively in a military environment and recommended your administrative separation.

On 12 February 2018, your command provided you notice that you were being processed for an administrative discharge from the Navy by reason of defective induction and enlistment into the naval service due to erroneous enlistment as evidenced by a physical or mental condition that existed prior to entry into the naval service. You elected in writing to waive your rights to consult with counsel, submit a written statement to the separation authority for consideration, and have the General Court-Martial Convening Authority review of your discharge. Ultimately, on 26 February 2018, you were discharged from the Navy with an uncharacterized entry level separation (ELS) and assigned an RE-4 reentry code. In this regard, you were assigned the correct characterization, narrative reason for separation, and reentry code based on your factual situation.

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: (a) you were simply homesick and did not have any disqualifying conditions or behaviors prior to service, and (b) you thought you could return on active duty at a later date.

The Board determined that your Navy service records and DD Form 214 maintained by the Department of the Navy (DoN) contained no known errors. The Board determined that your clinical diagnosis and separation recommendation was clinically appropriate. The Board noted that the REU MO clearly formed his mental health diagnosis based, in part, on information personally provided by you during your evaluation, which included past depressive symptoms in high school. The Board concluded that the objective evidence established you were appropriately diagnosed with a major depressive disorder on active duty that EPTE, and that your reenlistment code was appropriate for the circumstances underlying your separation.

The Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions. The Board also determined that you had a legal, moral and ethical obligation to remain truthful on your enlistment paperwork. Had you properly and fully disclosed your entire mental health history that included suicidal ideations while in high school, the Board concluded you likely would have been disqualified from enlisting. The Board noted that the REU MO on 29 January 2018 stated in no uncertain terms that your condition was sufficiently severe to

significantly impair your ability to effectively serve on active duty. Based on your precise factual situation and circumstances at the time of your ELS discharge, the Board concluded that your command was justified in assigning you an RE-4 reentry code since you were ineligible for reenlistment based on your history of mental health issues and failed to disclose that history during your enlistment process.

Additionally, the Board also noted that there is no provision of federal law or in Navy/Marine Corps regulations that allows for a reentry code to be automatically upgraded after a specified number of months or years. Lastly, absent a material error or injustice, the Board declined to summarily make changes to your service record solely for the purpose of facilitating veterans' benefits, or enhancing educational, enlistment, or employment opportunities, including military enlistments. As a result, the Board determined that there was no impropriety or inequity in your reentry code, and the Board concluded that you received the correct reentry code based on your overall circumstances, and that such reentry code was proper and in accordance with all DoN directives and policy at the time of your discharge. Even in light of the Wilkie Memo and reviewing the record holistically, the Board still concluded that, given the totality of the circumstances, 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 mind that a presumption of regularity attaches 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,

7/8/2022

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Executive Director  
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