



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

█  
Docket No: 5690-22  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 12 August 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 to the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps and participated in an enlistment physical, on 20 November 2017, during which you responded “no” to the question whether you had “ever been evaluated or treated for a mental condition.” You were found fit to enlist and began a period of active duty on 8 January 2018. However, by 18 January 2018, Commanding Officer, Recruit Training Regiment approved your separation for fraudulent entry due to failure to disclose relevant

medical information which might otherwise have resulted in finding you medically unfit to enlist or would have at least required substantial medical screening. A counseling entry from 26 January 2018 indicates the basis for fraudulent entry was that you had not disclosed medical evaluation, diagnosis, and/or treatment for Asperger's Disorder, Attention-Deficit Hyperactivity Disorder, and suicidal ideations prior to entry during your physical exam. You were discharged three days later, on 29 January 2018, with an uncharacterized entry-level separation and reenlistment code of RE-3P reflecting the requirement for medical reevaluation for any future enlistment attempt and higher level approval for a waiver depending upon the outcome of such evaluation.

Your previous application to the Board requesting a change of your reentry code to permit reenlistment was considered on 15 July 2022. At that time, you similarly contended that your mental health evaluations prior to enlisting were at the behest of your parents who believed you had either an Autism Spectrum Disorder or Asperger's Syndrome, but that you never received a mental health diagnosis. In response to an advisory opinion (AO) regarding your discharge, you indicated that you needed additional time to obtain records, which you have since provided for consideration.

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, your previous contentions, and your additional medical documentation which includes a clinical evaluation from a licensed psychologist stating that your only previous diagnosis from the mental health evaluations prior to your enlistment document that you had a Specific Learning Disorder with an impairment in mathematics and an Adjustment Disorder with anxiety.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Although this psychologist states that you were never prescribed medication and have no history of psychiatric admissions, the letter confirms that you received mental health evaluations, a fact which you knew but did not disclose at the time of your enlistment regardless of the specific diagnoses. Further, the Board reiterates that a reentry code of "RE-3P" does not prohibit reenlistment; rather, it indicates the need for a more thorough evaluation of your medical and/or mental health history to confirm suitability for service should you seek to reenlist. In light of your history of mental health evaluations, the Board found that your "RE-3P" reentry code serves a valid and applicable purpose and that the information you provided for reconsideration of your request further supports this conclusion. 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,

9/8/2022

