



18 March 1986, a Medical Evaluation Board (MEB) recommended that you were administratively separated from service by reason of erroneous enlistment. On the same date, you were notified of the initiation of administrative separation proceedings by reason of defective enlistment due to erroneous enlistment, at which point, you decided to waive your procedural rights.

Unfortunately, some documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Navy on 2 April 1986 with an uncharacterized Entry Level Separation, your narrative reason for separation is "Erroneous Enlistment – Enlisted, Reenlisted, Extended, or Inducted in Error," your separation code is "JFC," and your reenlistment code is "RE-3E."

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire for an upgrade to your reenlistment code (RE) and your contention that your RE code was issued erroneously. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

The Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated during a hospitalization and medical board evaluation. There is sufficient evidence that he was diagnosed in service with Atypical Psychosis and that his condition worsened during initial stressors of basic training. There is insufficient evidence that his enlistment was erroneous, as it is not reasonable to assume that he would have been aware of his condition and/or symptoms during the prodromal phase of psychosis in order to report it.

The AO concluded, "it is my considered clinical opinion there is sufficient evidence of a mental health condition that existed during military service. There is sufficient evidence that his condition worsened in service."

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board found no error or injustice to the RE code you were assigned. The record reflects, upon your entrance into active service you failed to disclose your significant past medical history that would have been disqualifying for induction into the Navy. Therefore, the Board determined your administrative separation by reason of erroneous enlistment and the assignment of a RE-3E code to be appropriate. In making this finding, the Board disagreed with the AO that there was insufficient evidence that your enlistment was erroneous. The Board noted the AO's rationale explained precisely why a fraudulent enlistment discharge was not supported by the evidence in your case. However, the Board found that the Navy acted properly in discharging you for an erroneous enlistment because it was reasonable to assume you were not sufficiently aware of your condition or symptoms to be able to accurately disclose them during

your enlistment processing. 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 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,

12/29/2022

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Executive Director

Signed by: █