



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

█
Docket No. 3446-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █
█ USMC

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

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 naval record be corrected by changing his characterization of service from “Uncharacterized” to “General (Under Honorable Conditions)” on his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 30 October 2023 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 reference (b).

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 enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the United States Marine Corps and commenced a period of active duty on 8 May 2006. On his enlistment physical, he did not disclose any disqualifying medical issues.

d. On 6 June 2006, Petitioner was treated for a right ankle sprain and a left knee contusion. These injuries were not the basis for his separation from service.

e. On 11 June 2006, Petitioner was recommended for an Entry Level Separation (ELS) due to thoracic scoliosis. The record notes that his “condition [was] verified by physical exam, review of health records, consults, rehabilitation notes, radiology, and sports medicine. SNR does not meet the minimum standard for enlistment as set forth in MANMED section III, and MILSPERSMAN 362080 at the time of his entry into training. SNR has not incurred and/or has not pre-aggravated preexisting defects by active military service. SNR's present condition is considered "not physically qualified" in accordance with the physical standards for enlistment as opposed to physical unfitness by reason of disability. SNR’s condition is unlikely to change if retained.”

f. On 10 July 2006, Petitioner was medically cleared for separation. On 18 July 2006, Petitioner received an ELS separation with an “Uncharacterized” discharge due to “Fraudulent Entry into Military Service” and assigned RE-3F.

g. The Board noted Petitioner checked the “PTSD” box on his application but chose not to respond to the Board’s 27 April 2023 letter requesting supporting medical evidence of his claim.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of reference (b), the Board concludes Petitioner’s request warrants partial relief. The Board noted no misconduct in Petitioner’s record and concluded that he was solely discharged on the basis of his disqualifying medical condition. In making this finding, the Board concurred with the separation authority that the disqualifying medical condition was present prior to enlistment and that this condition was not caused or aggravated by military service. However, the narrative reason for separation of “Fraudulent Enlistment” is assigned when there is a circumstance or condition that was purposefully withheld at the time of enlistment and would have disqualified the applicant from enlistment had it been disclosed at that time. The Board concluded that there was no evidence in the record that Petitioner knew of this condition or that he purposefully withheld this disqualifying condition from his recruiter or during the MEPS exam. As such, the Board felt that it would be more accurate to label Petitioner’s separation as “Secretarial Authority” as opposed to a fraudulent basis.

Notwithstanding the above corrective action, the Board did not find that a change to the characterization of service was warranted. The Board noted that when a separation is initiated while a member is in entry level status (within the first 180 days of enlistment), the service will be “Uncharacterized” except in rare circumstances. After thorough review of Petitioner’s service record, the Board did not identify unusual circumstances involving personal conduct and performance of military duty that would support a General (Under Honorable Conditions) or Honorable characterization of service. As a result, the Board determined that there was no impropriety or inequity in Petitioner’s assigned uncharacterized entry level separation, and even under the liberal consideration standard, the Board concluded that Petitioner’s “Uncharacterized” service is accurate and should remain unchanged.

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[REDACTED] USMC

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

That Petitioner be issued a new DD Form 214 indicating his narrative reason for separation as "Secretarial Authority," separation authority as "MARCORSEPMAN par. 6214," separation code as "JFF1," and an "RE-1A" reentry code.

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 Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

11/6/2023

