



officer recommended an Uncharacterized characterization of service by reason of fraudulent entry into military service. On 17 May 2002, you were so discharged.

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 for a discharge upgrade and contentions that: (a) your records contain documentation and evidence of a preexisting condition which you were forced and threaten to sign, (b) your evaluation of clearance before enlisting indicates that there were no preexisting conditions reported, and (c) you sustained an injury while serving honorably and you are not eligible to receive the care and treatment that you desperately need. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board noted you were appropriately assigned an uncharacterized entry level separation based on your time on active duty. Applicable regulations authorize an uncharacterized entry level separation if the processing of an individual's separation begins within 180 days of entry into active service. While there is exception to this policy in cases involving misconduct or extraordinary performance, the Board concluded neither exception applied in your case. Further, the Board noted you were appropriately processed and discharged based on your fraudulent entry into the Marine Corps due to your failure to disclose your preexisting knee condition. In reviewing the record, the Board found no evidence to substantiate your contention that you were forced to sign documents. 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. Therefore, based on your voluntary statement contained in your record, the Board found you fraudulently enlisted in the Marine Corps by failing to disclose your history of knee pain. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. 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,

11/27/2023

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Executive Director

Signed by: █