



evidence to the contrary, will presume that they have properly discharged their official duties. Your record shows on 10 September 2001, the separation authority directed your General (Under Honorable Conditions) (GEN) discharge from the Navy by reason of fraudulent entry into military service. On 22 March 2001, you were so discharged.

Post-discharge, you applied to the NDRB for a discharge upgrade. The NDRB denied your request for an upgrade, on 4 September 2012, based on their determination that your discharge was proper as issued.

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 upgrade your discharge character of service and contention that your recruiter lied to you about what you had to do to enter into the military. 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 your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your failure to disclose your pre-service medical condition prior to your enlistment, outweighed these mitigating factors. In making this finding, the Board noted you were presented with various opportunities to disclose your pre-service medical condition; however, you failed to do so. Although you contend your recruiter knew of your pre-service medical condition, you were still responsible to disclose any medical condition that may have been disqualifying for enlistment and to be truthful when questioned about it while on active duty. Finally, the Board noted that you did not provide any evidence, other than your statement, to substantiate your contention.

As a result, the Board determined significant negative aspects of your active-duty service outweighed the positive and continues to warrant a GEN characterization. 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 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,

5/2/2024

