



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

██████████
Docket No. 4158-24

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████,
USN, XXX-XX-██████████

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo, 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 her characterization of service be upgraded. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 17 July 2024 and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval service records, and applicable statutes, regulations, and policies.

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, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 30 November 2004. As part of her enlistment processing, she completed a Report of Medical History on 24 January 2004. In reporting her medical history, she marked that she was in "good health" and denied that she had ever experienced "nervous trouble of any sort (anxiety or panic attacks)," "depression or excessive worry," or that she had ever "received counseling of any type."

d. On 13 December 2004, Petitioner was seen by medical and disclosed that she had previously been diagnosed with depression and anxiety. The medical evaluation noted that

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Petitioner had indications of marked personality traits manifested by mood instability, intense and unstable relationships, impulsivity, and chronic feelings of emptiness. On 30 December 2004, Petitioner's civilian medical record was received and confirmed that she suffered from depression, anxiety, constant worrying, and chronic blackout spells. Additionally, the records indicated she took psychotropic medication to control these symptoms for a number of years, and would suffer from depressive episodes and anxiety attacks without the prescribed medication. Petitioner's is documented in her civilian records as stating, "her life situations make it impossible for her to feel like she could ever go without being on medication." After a period of evaluation, Petitioner was diagnosed with Depressive Disorder, NOS, and Anxiety Disorder, NOS. Both conditions were determined to exist prior to her entry into the Navy and she was recommended for administrative separation based on her disqualifying psychiatric conditions.

e. As a result, Petitioner was notified of administrative separation processing for erroneous enlistment and fraudulent entry into naval service. After waiving her rights, the commanding officer (CO) directed discharge with an uncharacterized entry level separation due to fraudulent entry. On 28 January 2005, Petitioner was so discharged.

f. Petitioner contends that she told her recruiter prior to reporting for duty that she was not suited to commenced active duty, she became very homesick, missed the holidays with her family, and suffered through an injury to her ankle and issues with her wisdom teeth. She desires to potentially reenter the military to service as a dental hygienist. For purposes of clemency and equity consideration, Petitioner provided advocacy letters and documents that described post-service accomplishments. In addition, the Board considered a letter from Petitioner's congressional representative's office that contends she was discharged due to her inability to complete basic training and she did not fraudulently enlist in the Navy.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, even though the record of evidence supports her fraudulent entry discharge based on her failure to disclose her disqualifying preservice mental health history, the Board determined it was in the interest of justice to change Petitioner's reason for separation to reflect a "Secretarial Authority" discharge. In making this finding, the Board took into consideration Petitioner's youth at the time of her enlistment, her preservice mental health history documenting extensive depression and anxiety symptoms, her documented her personality traits of impulsivity and mood instability, and her positive post-discharge accomplishments. In considering these factors, the Board determined that her basis for separation should be changed purely as a matter of clemency.

Notwithstanding the recommended corrective action, the Board determined Petitioner's assigned uncharacterized entry level separation remains appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. These included, but were not limited to, Petitioner's desire for a discharge upgrade and the contentions previously discussed. After thorough review, the Board concluded these potentially mitigating factors were insufficient to

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warrant relief. The Board noted the Petitioner was in the entry-level status when she was notified for separation, and only served 59 days on active duty. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applied in Petitioner's case. Therefore, 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 Petitioner any additional relief.

Finally, the Board determined Petitioner's assigned reentry code remains appropriate in light of her unsuitability for further military service. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

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

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 28 January 2005, her narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "MILPERSMAN 1910-164."

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 Regulation, 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.

7/29/2024

