



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

██████████
Docket No. 11052-24
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 w/ enclosures

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 he record of discharge or release from active duty be expunged from his record and that he be reinstated onto active duty in the last paygrade he held prior to his discharge or, in the alternative, that the characterization of his discharge be upgraded to reflect Honorable service with a change of the basis for separation to reflect the end of his obligated service. Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 7 February 2025 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. Petitioner enlisted in the Navy under a three-year obligation and began a period of active duty on 30 November 2020. He served the ██████████ and, during his tour which included a period of ██████████ deployment, he performed successfully, was rated as "must promote" with an overall trait average of 3.25 across two evaluation cycles and was recommended to participate in submarine training.

c. Subsequent to his assignment to ██████████, he sought counseling services incident to managing stressors related to his rapid transfer from his operational tour to the high tempo environment at submarine school.

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d. Office and clinic notes from Petitioner's service health records, dated 12 April 2023, reflect that, following boot camp, an investigation was opened into regard to his pre-service medical history. That investigation was closed and he was permitted to attend submarine school. However, a subsequent investigation was opened, while he was in submarine school, which ultimately resulted in his processing for administrative separation on the basis of his pre-service mental health history.

e. Although documents pertaining to his discharge have not been filed in his service record, Petitioner was ultimately processed for administrative separation by reason of fraudulent entry into military service, not related to illegal drugs or alcohol, and was discharged under honorable conditions on 23 June 2023. He was assigned a restrictive "RE-4" reentry code.

f. Petitioner contends that he served honorably during his period of enlistment, to include performing well enough aboard the ██████████ to be recommended to serve as a submariner, with no documented in-service misconduct. He believes that he is unjustly stigmatized by his characterization of service and narrative reason for separation. He also believes that the processing of his administrative separation on the basis of fraudulent entry was unjust and erroneous and should be overturned.

g. Petitioner describes extensive efforts he made with his recruiter to obtain information pertaining to his medical history. He explains his pre-service medical history in detail, asserts that it was investigated in association with his security clearance and, to his knowledge, resolved while he was aboard the ██████████. However, it resurfaced during his enrollment at submariner school after he sought counseling for stress related to the transition from his operational to academic status and after he was misdiagnosed. Subsequently, he was accused of fraudulently failing to disclose his history of mental health symptoms during the accession process. He believes that the school was "hyper-focused on a zero defect mentality and unwilling to assume risk, typical of the submarine community."

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. The Board reviewed his application under the guidance provided in reference (b).

The Board noted Petitioner's admitted pre-service mental health, despite his characterization to the contrary, but observed that he had been subject to an investigation in relation to his security clearance while aboard the ██████████, had still been recommended for submarine duty on the basis of his performance and conduct, and was subsequently permitted to begin academic training as a submariner. In this regard, the Board found totality of known or readily apparent facts support a conclusion that, while his enlistment may have been erroneous absent a waiver of his pre-service mental health concerns, the matters pertaining to his pre-service mental health had come to light during the first investigation without a determination that he had fraudulently failed to disclose that information. Absent documentation in Petitioner's service record pertaining to any subsequent investigation conducted by the school command or pertaining to his ultimate processing for administrative separation, the Board concluded that the more reliable and

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unbiased investigatory process would have resulted from the initial security investigation associated with the requirement that he qualify for an appropriate security clearance in order to attend submarine school. As such, the Board found Petitioner to be a reliable narrator of the events which had transpired. Likewise, the Board found Petitioner's explanation credible with respect to his unsuccessful efforts, in conjunction with his recruiter, in obtaining his juvenile records. Ultimately, the Board concluded that, at most, Petitioner should have been processed for administrative separation by reason of erroneous enlistment with an Honorable discharge; consistent with the type warranted by his service records. Accordingly, the Board determined that it is in the interest of justice to upgrade Petitioner's characterization of service to Honorable and change his basis for separation to reflect a Secretarial Authority discharge. Additionally, although the Board declined to reinstate Petitioner to active duty due to the Board's inability to properly determine that he is currently eligible and fit for enlistment, the Board concluded that Petitioner's reentry code should reflect his eligibility to apply to reenlist without restriction. Should Petitioner chose to reenlist with a military service, he may endeavor to ensure that the full scope of his pre-service mental health history is reviewed by appropriate officials in the accessions process. Finally, the Board found no basis to grant constructive service credit to Petitioner based on its finding that he, more likely than not, qualified for administrative separation processing based on his preservice mental health history, a lack of a medical waiver, and the second investigation that determined he did not meet induction standards.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating, for the period ending 23 June 2023, his "Honorable" discharge was issued under the authority of "MILPERSMAN 1900-164," with a narrative reason for separation of "Secretarial Authority," separation code of "JFF," and reentry code of "RE-1J."

That Petitioner be issued an Honorable discharge certificate.

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 Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/12/2025

