



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

██████████
Docket No. 505-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER ██████████
██████████ XXX XX ██████████ USMC

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) USD Memo of 25 August 2017 (Kurta Memo)
(d) USECDEF Memo of 25 July 2018 (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 to upgrade his characterization of service and to make other conforming changes to his DD Form 214.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 18 July 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, and applicable statutes, regulations, and policies, to include references (b) through (d). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider. Although Petitioner was provided an opportunity to respond to the AO, he chose not to do so.

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 statute of limitation was waived in accordance with the Kurta Memo.

c. The Petitioner enlisted in the U.S. Marine Corps and began a period of active service on 30 December 1996. Petitioner's pre-enlistment physical examination, on 26 August 1996, and

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED] XXX XX [REDACTED] USMC

self-reported medical history both noted/endorsed no neurologic or psychiatric history, symptoms, conditions, or issues. Petitioner specifically denied ever attempting suicide on his on his self-reported medical history.

d. On 2 January 1997, a Medical Officer (MO) at the Branch Medical Clinic diagnosed Petitioner with alcohol and cannabis abuse. The MO noted that Petitioner did not meet the minimum standard for enlistment and that he did not meet such standards at the time of entry into his training. The MO noted that Petitioner had incurred no injuries and has had no defects aggravated by his active military service. The MO also noted that Petitioner's condition was not documented at his MEPS physical and he did not receive any official enlistment waivers.

e. During Petitioner's mental health consultation, on 2 January 1997, the MO noted that Petitioner disclosed engaging in self-mutilation 15-20 times by cutting his wrists with a pocket knife. The MO determined that his self-mutilation amounted to a suicide attempt. The MO recommended Petitioner's administrative separation with an entry level separation (ELS).

f. On 2 January 1997, Petitioner's Commanding Officer (CO) recommended that Petitioner be administratively separated for a fraudulent enlistment. The CO noted that Petitioner failed to disclose his pre-service history of self-mutilation at the time of enlistment and that an MO determined amounted to suicide attempts. The CO also noted that Petitioner had no further service potential.

g. On 7 January 1997, the Petitioner's command initiated administrative separation proceedings by reason of defective enlistment and induction – fraudulent enlistment. The basis for the fraudulent enlistment recommendation was Petitioner's failure upon enlistment to divulge his pre-service medical condition (e.g., his history of self-mutilation) which would have affected his eligibility at the time of his enlistment. On 7 January 1997, Petitioner waived his rights to consult with counsel, and to submit a written rebuttal statement.

h. Ultimately, after serving on active duty for just eleven (11) days, Petitioner was discharged from the Marine Corps with an uncharacterized ELS and was assigned an RE-3F reentry code on 9 January 1997. The narrative reason for separation in Block 28 of Petitioner's DD Form 214 stated "Defective Enlistment & Induction - Fraudulent Enlistment – HISTORY OF SELF MUTILATION (without admin discharge board)."

i. The Petitioner contended, in part, that the reason for his discharge was due to an aggravation of his condition while on active duty and that, but for the stress of active duty triggering something that worsened his mental health, he would have successfully completed his term of service and received an Honorable discharge. Petitioner also stated that he has only recently begun seeing treatment and he contended that he has come to learn that the cause of his inability to complete his obligation was not his fault but rather due to his mental health condition.

j. A licensed clinical psychologist (Ph.D.), reviewed Petitioner's original contentions and the available records, and issued an AO on 29 April 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED] XXX XX [REDACTED] USMC

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His Alcohol Use Disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinician.

Temporally remote to his military service, a civilian mental health provider has diagnosed the Petitioner with mental health concerns that are considered to have been exacerbated by military service. However, there are inconsistencies between the Petitioner's statement and his service record that raise doubt regarding his candor or the reliability of his recall with the passage of time. For example, the Petitioner's service record indicates that he admitted preservice substance use and mental health concerns during the "Moment of Truth," in which the gravity of full disclosure of pre-service activities is emphasized, rather than following an exacerbation of symptoms.

It is likely that the Petitioner would not have been accepted for military service if he had disclosed his substance use and mental health history prior to enlistment. There is insufficient evidence of error in the circumstances of his separation from service.

The Ph.D. concluded, "There is insufficient evidence of a diagnosis of a mental health condition that may be attributed to military service. There is insufficient evidence of error in the circumstances of his separation from service."

CONCLUSION:

Upon review and liberal consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of the Wilkie Memo, the Board determined that it would be an injustice to label one's discharge with a narrative reason for separation citing certain specific medical issues/conditions. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's ELS discharge for a fraudulent enlistment should not be labeled as being for a history of self-mutilation and that certain remedial administrative changes are warranted to the DD Form 214.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's uncharacterized entry level separation remains appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in accordance with the Hagel, Kurta, and Wilkie Memos. After thorough review, the Board concluded that Petitioner's potentially mitigating factors were insufficient to warrant discharge upgrade relief. The Board initially determined that Petitioner's administrative separation for a personality disorder was legally and factually sufficient, and in accordance with all Department of the Navy directives and policy at the time of his discharge. The Board concurred with the AO

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED] XXX XX [REDACTED] USMC

and concluded that there was insufficient evidence of an error in the circumstances of Petitioner's separation from service.

Additionally, the Board noted that separations initiated within the first 180 days of continuous active duty will be described as uncharacterized ELS except in those limited Navy cases: (a) when an Honorable discharge is approved by the Secretary of the Navy in cases involving unusual circumstances not applicable in Petitioner's case, or (b) where processing under a more serious basis is appropriate and where characterization of service under other than honorable conditions (OTH) upon discharge is warranted. The Board determined neither exception applies in Petitioner's case.

As a result, the Board determined that there was no impropriety or inequity in Petitioner's ELS discharge/characterization, and concluded that Petitioner's conduct and behavior clearly merited his discharge. While the Board carefully considered the evidence Petitioner submitted in mitigation, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity.

Lastly, the Board did not find a material error or injustice with the Petitioner's listed separation authority, separation code, and RE-3F reentry code on the DD Form 214. The Board concluded the Petitioner was assigned the correct separation authority, separation code, and reentry code based on the totality of his circumstances surrounding his fraudulent enlistment, and that all such notations were proper and in compliance with Department of the Navy directives and policy at the time of his discharge.

RECOMMENDATION:

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

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 9 January 1997, he was discharged with a narrative reason for separation of "Defective Enlistment & Induction - Fraudulent Enlistment."

That no further changes be made to Petitioner's record.

That 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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]

[REDACTED] XXX XX [REDACTED] USMC

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

7/23/2025

