



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

██████████  
Docket No. 2310-25  
Ref: Signature Date

████████████████████  
████████████████████  
████████████████

Dear ██████████

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 April 2025. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the U.S. Navy and began a period of active duty service on 22 August 2003. Your pre-enlistment physical examination, on 30 May 2003, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms. As part of your enlistment application, you underwent a waiver interview. Based on the information you provided to your recruiter; you received an enlistment waiver for two (2) dependents - your wife and son. However, upon reporting to initial recruit training at Recruit Training Command, ██████████,

you disclosed, during the “moment of truth,” additional dependent children. You disclosed an additional two (2) children not previously documented, for a total of four (4) dependents, even though you claimed to have told your recruiter.

Following your disclosure of the additional dependents, on 30 September 2003, your command notified you that you were being processed for an administrative discharge by reason of defective enlistment and induction due to fraudulent entry into the Navy as evidenced by your excessive number of dependents. You waived your rights to consult with counsel, submit a written statement, and to General Court-Martial Convening Authority review of your discharge.

On 30 September 2003, the Separation Authority approved and directed your discharge for fraudulent enlistment. Ultimately, on 7 October 2003, you were discharged from the Navy for a fraudulent entry with an uncharacterized entry level separation (ELS), and were assigned an RE-4 reentry code. In this regard, you were assigned the correct characterization, narrative reason for separation, and reenlistment code based on your factual situation as you were still within your first 180 days of continuous military service and had not yet completed initial recruit training.

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 discharge was unfair and unjust due to the Navy Commander separating you claiming you had an excessive number of dependents; which you did not have, (b) you only had one biological child with your prior spouse at the time when you joined and she had two (2) other children that were not adopted by you, (c) you disclosed this information to your recruiter, (d) all the information disclosed on your enlistment paperwork was accurate, true, and correct. For purposes of clemency and equity consideration, the Board considered the totality of the evidence you provided in support of your application, which consisted solely of the information you provided on your DD Form 149.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. The Board determined that your Navy service records and DD Form 214 maintained by the Department of the Navy contained no known errors. Based on your precise factual situation and circumstances at the time of your discharge, the Board concluded that your command was justified separating you for a fraudulent enlistment with an uncharacterized ELS.

The Board noted that a fraudulent enlistment occurs when there has been deliberate material misrepresentation, including the omission or concealment of facts which, if known at the time, would have reasonably been expected to preclude, postpone, or otherwise affect a Sailor's eligibility for enlistment. The Board determined that you had a legal, moral, and ethical obligation to remain truthful on your enlistment paperwork. The Board determined the record clearly reflected that your deliberate concealment of certain material facts regarding your total number of dependents. While the Board considered your contentions regarding your dependents, the Board also noted you did not dispute the number of dependents (4) at the time and only

claimed to have informed your recruiter. Further, the Board noted you provided no evidence, other than your statement, to substantiate your contentions.

Additionally, the Board noted that separations initiated within the first 180 days of continuous active duty will be described as 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 your case, or (b) where processing under a more serious basis is appropriate and where characterization of service under Other Than Honorable conditions upon discharge is warranted.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your pre-service intentional concealment of certain material facts clearly merited your ELS discharge. Even in light of the Wilkie Memo and reviewing the record liberally and 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,

4/29/2025

