



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

█
Docket No. 4177-25

Ref: Signature Date

█
█
█

Dear Petitioner:

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 30 January 2026. 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 this 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 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider. Although you were provided an opportunity to respond to the AO, you chose not to do so.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the U.S. Navy and began a period of active duty service on 17 February 1987. You received an enlistment waiver for a pre-service firearm offense resulting in your incarceration in █.

2. As part of your pre-enlistment paperwork, on 16 January 1987, you signed and acknowledged the “Drug and Alcohol Abuse Statement of Understanding.” On such form you expressly acknowledged and understood that you would undergo a urinalysis test within 48 hours of arrival at Recruit Training Center (RTC).

3. Your pre-enlistment medical examination, on 20 January 1987, and self-reported medical history noted no psychiatric or neurologic issues, history, conditions, or symptoms. You expressly denied any pre-service drug/alcohol abuse on both your medical history form, and the “USN Alcohol and Drug Abuse Screening Certificate” you completed as part of your enlistment application.

4. Upon reporting to RTC ██████████ on 17 February 1987, you underwent an initial drug urinalysis test. On 25 February 1987, a Navy Drug Screening Laboratory message indicated that you tested positive for cocaine.

5. Following your positive urinalysis results, your command notified you that you were being processed for an administrative discharge by reason of defective enlistment and induction due to fraudulent enlistment as evidenced by your entry level urinalysis screening which was positive for cocaine. On 24 April 1987, the RTC Commanding Officer recommended that you receive an uncharacterized entry level separation (ELS) due to your fraudulent entry.

6. On 30 April 1987, the Separation Authority approved and directed your ELS by reason of defective enlistment and induction due to fraudulent enlistment. Ultimately, on 6 May 1987, you were separated from the Navy for a fraudulent enlistment with an ELS discharge characterization and assigned an RE-4 reentry code.

Because you raised the issue of mental health, the Board requested an AO. A licensed clinical psychologist (Ph.D.) reviewed your contentions and the available records and issued an AO dated 11 August 2025. As part of the Board’s review, the Board considered the AO. The AO stated in pertinent part:

Petitioner did not submit any medical evidence in support of his claim...There is no evidence that the Petitioner was diagnosed with a mental health condition while in military service or that he suffered from any symptoms incurred by a mental health condition. He did not submit any medical evidence in support of his claim. His personal statement is not sufficiently detailed to provide a nexus with any mental health condition and his fraudulent entry.

The Ph.D. concluded, “it is my clinical opinion that there is insufficient evidence of a mental health condition that existed in service (PTSD). There is insufficient evidence to attribute his misconduct to a mental health condition (PTSD).”

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation

based on your positive urinalysis that indicated pre-service drug abuse. While the Board carefully considered your contention for mitigation and denial that you fraudulently enlisted, the Board noted you provided no evidence, other than your statement, to substantiate your contention. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and were properly separated for fraudulent enlistment with an ELS.

The Board applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and the fact you provided no medical evidence in support of your claim. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and recognized the same concerns raised in the AO.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your conduct in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of your service, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your contention that you suffered an in-service assault, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board determined that your narrative reason for separation remains appropriate because a fraudulent enlistment most accurately described the reason for your separation. As explained above, the Board found no evidence to support your claim that you abused drugs while on active duty as a result of an assault. Therefore, they determined your record supports the Navy's determination that you abused drugs prior to entering active duty and failed to disclose it. While the Board took into consideration your admission of drug abuse while on active duty, they determined this information, even if true, was insufficient to warrant a change to your record.

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,

2/17/2026

