



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

[REDACTED]  
Docket No. 4434-25  
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps, filed enclosure (1) requesting upgrade of his discharge to General (Under Honorable Conditions) (GEN). Enclosures (1) and (2) apply.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 8 September 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 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.
  - c. Petitioner enlisted in the Marine Corps and began a period of active duty on 13 December 1999.
  - d. On 14 July 2000, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA) between 25 June and 11 July 2000.

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e. On 12 September 2000, Petitioner was notified of administrative separation processing due to fraudulent enlistment. Specifically, during the induction process, he failed to disclose a significant preservice history of intermittent chest pain.

f. Petitioner waived all rights available to him but for the right to obtain copies of documents used in the separation process.

g. On 5 October 2000, Base Commander, [REDACTED], directed Petitioner's separation by reason of fraudulent enlistment with a characterization of service of Under Other Than Honorable (OTH) conditions. On 16 October 2000, Petitioner was so discharged<sup>1</sup>.

h. Petitioner contends his discharge for fraudulent enlistment was based on a pre-existing medical condition, costochondritis, that he was unaware he needed to disclose. He argues that he was not attempting to mislead the military but only seeking medical attention for a legitimate health concern, he was threatened with being labeled a homosexual if he did not comply with the discharge process, he was in significant pain and only trying to get medical help, he did not intend to deceive the military, the decision to discharge him for fraudulent enlistment was unjust and does not reflect his intentions or service, he wishes to clear his name to provide a better example for his daughter, and he desires to restore the integrity of his military record. Petitioner did not provide any documentation in support of his application.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief.

The Board found no error or injustice in Petitioner's discharge for fraudulent enlistment. The Board found no evidence in the record to support Petitioner's allegation of duress and Petitioner provided none. Additionally, the Board noted Petitioner's misconduct and does not condone his actions. As a result, the Board was not persuaded by his contentions. Despite this determination, purely as a matter of clemency and due to the passage of time since Petitioner's discharge, the Board concluded that no useful purpose is served by continuing to characterize his service as having been OTH. Therefore, the Board determined it was in the interests of justice to change Petitioner's characterization of service to GEN.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record and that a GEN discharge characterization and no higher was appropriate. In addition, the Board determined Petitioner's reason for separation and reentry code also remain appropriate after weighing his record of misconduct against his brevity of

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<sup>1</sup> The Board did not find a Certificate of Release or Discharge from Active Duty (DD Form 214) in Petitioner's record. His dates of active duty service were derived from his Chronological Record.

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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's be issued a Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 16 October 2000, indicating he was discharged with a "General (Under Honorable Conditions)" characterization of service.

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

A copy of this report of proceedings will 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.

9/15/2025

