



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 4605-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████ USN, ██████████

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)
(c) USD Memo of 25 Aug 17 (Kurta Memo)
(d) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures
(2) Advisory Opinion (AO) of 18 Feb 25
(3) Rebuttal to AO dtd 24 Apr 25

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 discharge be upgraded to "medical or general" in order to obtain benefits. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 20 February 2026 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 references (b) through (d). Additionally, the Board considered enclosure (2), the advisory opinion (AO) furnished by qualified mental health provider, and enclosure (3), Petitioner's response to the AO.

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. Because Petitioner's application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review his application.

b. Petitioner previously applied to the Board contending that he needed marijuana for medical reasons, such as post-traumatic stress disorder (pre-dating his military service) and anxiety with panic attacks. He feels that he was set up for failure when he was recruited and that his conditions worsened when the "cadets" around him committed suicide. He primarily contends that his discharge is a bad mark on his record which has hindered his life, his

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[REDACTED] USN, [REDACTED]

employment opportunities, and his reputation, alleging that he has been denied several jobs due either to his uncharacterized service or to his adverse narrative reason for separation. In support of his previous request, Petitioner submitted hospital records, a letter from his doctor regarding his need for medical marijuana, and evidence of post-service character and accomplishment, to include: certificates, diplomas, and letters of support. His request was considered on 28 March 2025 and denied. However, his request was reconsidered upon receipt of enclosure (3), a late-submitted rebuttal to the AO.

c. The summary of Petitioner's service remains substantially unchanged from that addressed in the Board's previous decision.

(1) Petitioner enlisted in the Navy and began a period of active duty on 13 August 1998. As part of his enlistment processing, Petitioner disclosed a pre-service history of drug abuse.

(2) On 18 August 1998, the Naval Drug Laboratory reported Petitioner's entrance urinalysis drug screening as positive for marijuana metabolites.

(3) On 21 August 1998, Petitioner was notified of processing for administrative separation by reason of defective enlistment due to erroneous enlistment, as evidenced by his positive urinalysis.

(4) Petitioner did not elect to make a statement in rebuttal and was discharged in an entry-level status with uncharacterized service and a narrative reason for separation of "Erroneous Entry – Drug Abuse" and "RE-4" reentry code on 26 August 1998.

d. Because Petitioner contends that a mental health condition affected the circumstances of his discharge, the Board requested the AO for consideration. The AO stated in pertinent part:

There is no evidence that the Petitioner was diagnosed with a mental health condition or suffered from PTSD while in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. He did not submit any medical evidence in support of his claim. He submitted one post-service medical encounter note that indicated diagnoses of depression and anxiety; however, the rationale for the diagnoses was not included. His personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with his misconduct. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) would aid in rendering an alternate opinion.

The AO concluded, "Based on the available evidence, it is my clinical opinion that there is insufficient evidence of a mental health condition that existed while in service. There is insufficient evidence to attribute his misconduct to a mental health condition."

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[REDACTED], USN, [REDACTED]

e. In response to the AO, Petitioner submitted a personal statement providing additional information regarding his case. After reviewing Petitioner's rebuttal evidence, the AO remained unchanged.

CONCLUSION:

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

The Board noted the rationale in its previous, recent denial of Petitioner's request to upgrade his uncharacterized service to honorable, characterized service and found that that decision remains unchanged. Specifically, the Board again observed that Petitioner was clearly in an entry level status at the time of his administrative discharge; which applies by definition to all service members, regardless of branch, who have not completed more than 180 days of continuous active duty service. While there are exceptions to this policy in cases involving exceptional performance or misconduct, the Board determined neither applied in his case. Additionally, the Board concurred with the AO that there is insufficient evidence to attribute his positive urinalysis at the time of his initial entry to active duty to a mental health condition which existed during his military service, which was the basis for his erroneous enlistment. Based on the same rationale, the Board also found that Petitioner's assigned reentry code remains appropriate.

However, although the Board noted that Petitioner's evidence of post-service clemency does not alter the factual brevity of his 14 days of active-duty service with respect to his entry-level status, uncharacterized service, and reentry code, the Board noted that his narrative reason for separation of erroneous enlistment, specifically identified in his discharge record as being due to drug abuse, carries a negative and likely prejudicial inference. In light of the clemency evidence Petitioner submitted, the Board found that Petitioner's narrative reason for separation is unduly harsh in continuing to label him as a drug user more than 25 years after his discharge when his character evidence indicates that he has incorporated himself as a successful member of society. Accordingly, the Board determined that it is in the interest of justice to change Petitioner's separation to reflect a "Secretarial Authority" discharge.

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 on 26 August 1998, he was discharged under the authority of "MILPERSMAN 3630900," with a narrative reason for separation of "Secretarial Authority," and a separation code of "JFF." That all other information currently listed on Petitioner's DD Form 214 remains the same.

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

A copy of this report of proceedings be filed in Petitioner's naval record.

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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.

4/6/2026

