



disclosed a preservice history of asthma and stated you informed your recruiter but did not disclose your medical condition to MEPS.

Subsequently, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of defective enlistment - fraudulent enlistment. The factual basis for your processing was due to your failure to divulge preservice medical condition which would have affected your enlistment eligibility. You were informed that the least favorable characterization of separation you may receive is an Entry Level Separation (ELS) and advised of your procedural rights. You waived your right to consult counsel and to submit a written statement in rebuttal to your recommendation for administrative separation. Ultimately, the separation authority directed your uncharacterized ELS from the Marine Corps by reason of defective enlistment - fraudulent enlistment and you were so discharged on 20 October 2006.

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 to upgrade your discharge character of service and remove fraudulent entry from your Certificate of Release or Discharge from Active Duty (DD Form 214). You contend that: (1) your discharge was due to a knee injury, (2) you were told during your separation that your discharge will be a General (Under Honorable Conditions), and (3) a correction to your record should be made because you were not discharged due to fraudulent entry but due to a knee injury that was persistent and is still causing you issues 20 years later. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional documentation.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your assigned uncharacterized ELS remains appropriate. Applicable regulations authorize an uncharacterized ELS if the processing of an individual's separation begins within 180 days of the individual's entry on active service. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applies in your case. Further, the Board noted you provided no evidence to substantiate your contentions. Based on the record, you affirmatively acknowledged your rights during your administrative separation processing and were appropriately discharged based on a fraudulent entry; as evidenced by your failure to disclose your preservice medical condition. Consequently, based on the lack of substantial evidence to the contrary, the Board determined the presumption of regularity applies in your case.

Therefore, even in light of the Wilkie Memo and reviewing the record 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 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,

1/2/2026

