



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

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Docket No. 6794-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 23 February 2026. The names and votes of the panel members will be furnished upon request. Your allegations of error or injustice were reviewed in accordance with the 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 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta 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). As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an Advisory Opinion (AO). Although you were afforded an opportunity to submit a rebuttal, 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. Marine Corps Reserve and began a period of active service on 3 December 2007.
2. On 11 December 2007, you were placed on stop-orders due to fraudulent enlistment for seizure disorder and bipolar disorder, which existed prior to your service.
3. On 21 December 2007, you were discharged from the Marine Corps Reserve by reason of fraudulent entry into military service with an uncharacterized separation.

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 diagnosed conditions of seizure and bipolar disorder. While the Board carefully considered your contention for mitigation and allegation that your mother falsely informed the Marine Corps that you suffered from bipolar disorder, the Board noted you provided no evidence, other than your statement, to substantiate your allegations. Further, the Board noted that you did not dispute your seizure disorder diagnosis and, based on the statement from your recruiter, you suffered a seizure while at basic training. Additionally, according to your records, you disclosed a pre-service history of extensive mental health treatment after commencing active duty that was not previously disclosed as part of your enlistment process. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

Based on your assertions that you incurred mental health issues during military service, which may have contributed to the circumstances of your separation from service, a qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO on 3 December 2025. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during military service. She disclosed a pre-service history of extensive mental health treatment that was not reported during her enlistment processing. Had this information been available prior to her enlistment, she would have been deemed not qualified for enlistment processing. There are inconsistencies between her service record and her current statements that raise doubt regarding the reliability of her recall over time. More weight has been placed with in-service mental health records.

The AO concluded, "There is in-service evidence of pre-service disqualifying mental health conditions. There is insufficient evidence of error in the circumstances of her separation from service.

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 circumstances 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 your mental health conditions existed prior to your entry into the Marine Corps.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your separation in accordance with the Kurta Memo, 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, desire for a change to your reason for separation to hardship, your contentions, your relative youth and immaturity at the time of your misconduct, your mental health issues, the circumstances of your separation, the witness letters you provided for review, 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 found no inequity or injustice with your assigned narrative reason for separation. The Board determined that your decision to withhold critical disqualifying pre-service mental health history outweighed the mitigation evidence you provided. While the Board acknowledged the death of your child contributed to your physical breakdown while at basic training, in the Board's opinion, it does not sufficiently mitigate your fraudulent entry to merit changing your reason for separation to hardship. Further, the Board considered that service regulations direct the assignment of an uncharacterized separation for service members processed for separation, as you were, within their first 180 days of active duty. While there are exceptions to this policy, the Board found that none applied to you based on the circumstances of your separation. While the Board acknowledged the extraordinary circumstances involving the death of your child and your continued mental health struggles, it determined your fraudulent actions to gain entry into the Marine Corps outweigh those mitigation factors.

Accordingly, given the totality of the circumstances, the Board determined that you requested does not merit relief.

You are entitled to have the Board reconsider its decision upon the 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 is attached 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,

3/19/2026

