



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

██████████
Docket No. 7224-25
Ref: Signature Date

████████████████████
████████████████████
████████████████████
████████████████████
████████████████████

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 you did not file your application 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 9 March 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 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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 and commenced a period of active duty on 24 October 1994.
2. Your record reflects you subsequently disclosed a history of injuries, medical treatment, and receipt of Social Security disability payments related to prior injuries sustained in three

automobile accidents. In your voluntary statement, you alleged to have informed your recruiter verbally and by submitting medical record. Additionally, you alleged to have been told not to disclose your prior medical history.

3. Consequently, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of Defective enlistment due to fraudulent enlistment based on your failure to disclose previously diagnosed medical conditions during the enlistment and induction process, specifically chronic back pain and pneumonia. Ultimately, the separation authority directed you be discharged with an uncharacterized entry-level separation (ELS) by reason of defective enlistment due to fraudulent enlistment and, on 23 March 1995, you were so discharged.

In your application to this Board, you express a desire for your discharge character of service be upgraded and your reason for separation by changed. You contend that:

1. You did not engage in fraudulent enlistment and had no motive or reason to do so since you did not have any disqualifying pre-service illness or disability that would have warranted concealment.

2. You were not afforded adequate time to recover from illness prior to being required to report to Parris Island, and that this contributed to your premature discharge.

3. You were improperly determined to have a preexisting condition, which you deny knowingly concealing, and assert that you were pressured to accept an administrative discharge rather than risk more severe consequences.

4. At 48 years of age, you seek to change what you believe to be an improper narrative associated with your discharge, which you contend has stigmatized you since your separation from the Marine Corps.

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 failure to fully disclose your pre-service medical history and assigned an uncharacterized ELS based on your active duty time in service. While the Board carefully considered your contention of error, the Board determined your voluntary statement in 1995 confirms the substance of the 13 February 1995 investigation into your enlistment. Additionally, the Board noted that you do not dispute your active duty service time with the Marine Corps. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your desire for an upgrade to your characterization of service and change to your reason for separation, your contentions, the totality of your military service, the non-violent nature of your misconduct, your relative youth and immaturity at the

time of your misconduct, the negative effect your discharge has had on your life, your rehabilitation efforts, your post-service record of accomplishments, the post-service documents 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 that your reason for separation and uncharacterized ELS remain appropriate. First, the Board noted that service regulations direct the assignment of an uncharacterized ELS 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. In reviewing the circumstances of your case, the Board was unable to discern any facts that were extraordinary or uniquely different from countless of other former service members who were discharged while in an entry level status. While the Board acknowledged your commendable post-service accomplishments and desire for a discharge upgrade, it determined the Navy's interest in maintaining consistency in its personnel system outweigh those mitigation factors. Second, as pointed out earlier, the Board was not persuaded by your contention that you did not attempt to conceal your pre-service medical history because you did not suffer from any disqualifying conditions. The Board found significant evidence that contradicts your contention and determined no injustice exists with your administrative separation for fraudulent enlistment. The fact you may now be healthy and successfully completed National Guard training almost 20 years after the fact did not convince the Board your Marine Corps discharge amounts to an injustice. Finally, the Board determined the mitigation evidence you submitted was insufficient to outweigh the severity of your actions leading to your fraudulent enlistment into the Marine Corps. Even if the Board were to find that recruiter misconduct occurred in your case, the Board considered that, in addition to falsifying your enlistment documents, you continue to commit misconduct by omission by not disclosing your medical history to MEPS medical personnel and during the "Moment of Truth." Even though you later admitted to your deception, as documented in the 13 February 1995 investigation, you now contest statements attributed to you and claim them to be fabricated by the Marine Corps to avoid making them look like callous individuals who were unwilling to wait for you to recover from your pneumonia. The Board found this allegation to be wholly unsupported by the record and, more likely than not, implausible. This led the Board to question your candor and/or reliability of recall in this matter, and find that your integrity violations were sufficiently serious to outweigh the post-service mitigation evidence you presented for clemency consideration. While the Board commends you for your post-service accomplishments, ultimately, the Board found no change to your record is warranted.

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 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,

3/23/2026

