



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

██████████
Docket No. 7274-25
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 16 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 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 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

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 Marine Corps and began a period of active duty on 18 April 2005.
2. On 20 April 2005, you provided a voluntary medical statement indicating that you failed to disclose during your enlistment physical that you previously sustained torn ligaments in both shoulders and were lactose intolerant. You claimed your recruiter informed you it wasn't necessary to disclose your prior medical history since your civilian medical provider cleared you.
3. On 21 April 2005, your undisclosed history of bilateral shoulder instability was considered as a disqualifying for active duty.
4. Consequently, you were notified of your pending administrative processing by reason of fraudulent entry into military service, at which time you waived your procedural right to consult

with counsel and to submit a written statement in rebuttal. On 29 April 2005, you were discharged with an uncharacterized entry-level separation (ELS) by reason of fraudulent entry into military service.

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

1. You completed the form in good faith, trusting the guidance provided by your recruiter and believing you did nothing wrong.
2. You did not intend to mislead or conceal any medical information and that you were fully willing and prepared to serve.
3. You were heartbroken by your inability to serve and have since enjoyed professional success that included public service, community leadership, and ownership of a private management business. You also have been successful raising a family.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately assigned an uncharacterized ELS based on your active duty service record. The Board noted you did not dispute your period of active duty. Therefore, the Board determined the presumption of regularity applies to your uncharacterized ELS. Additionally, the Board found no error with your assigned fraudulent enlistment reason for separation. The Marine Corps Separation and Retirement Manual states that an enlistment is fraudulent when there has been deliberate material misrepresentation, including the omission or concealment of facts which, if known at the time, would have reasonably been expected to preclude, postpone, or otherwise affect the Marine's eligibility for enlistment or induction. In your 20 April 2005 voluntary statement, you specifically admit to not disclosing "medical problems" to the MEPS doctor. While you contend that you disclosed them to your recruiter, you acknowledged the intentional omission of your full medical history. Therefore, based on your admission that you knowingly withheld medical information that was later determined to be disqualifying, the Board determined you met the requirements of a fraudulent enlist. Thus, the Board found no error 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 of good faith in not revealing your medical history, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your post-service record of accomplishments, your service to your community, 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 your uncharacterized ELS for fraudulent enlistment remains appropriate. First, the Board noted that service regulations direct the assignment of an

uncharacterized entry-level 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. Second, as previously discussed, your conduct met the definition for fraudulent enlistment. 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 for fraudulent enlistment. While the Board acknowledged your commendable post-service accomplishments and desire for a change to your record, it determined the Marine Corps' interest in maintaining consistency in its personnel system outweigh those mitigation factors.

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,

3/31/2026

