



- On 19 June 2010, you were seen at weekend sick-call for light headedness and indicated your pain was a 7/10. You were prescribed medication and sick-in-quarters and directed to return to the clinic in two days. The medical officer noted that your headaches continued after your last visit and you were still experiencing photophobia and nausea. He further noted that

you disclosed pre-service evaluations for seizures and blackouts from headaches. You were recommended for Entry Level Medical Separation (ELMS).

- You were subsequently seen by a different doctor who provided ELMS counseling and screening, noting chronic headaches interfering with military training.

- On 28 June 2010, you were notified of pending administrative separation processing due to Fraudulent Entry into Naval Service through deliberate material misrepresentation omission or concealment of a condition or circumstances that existed prior to entry into the naval service. You waived your rights to consult counsel, submit a statement, or have your case reviewed by the General Court Martial Convening Authority. The separation authority subsequently directed your discharge with an uncharacterized, entry level separation for fraudulent entry and you were so discharged on 9 July 2010.

In your application to this Board, you express a desire for your discharge reason, separation code, and reentry code be changed. You contend that:

- The doctor who recommended your discharge did not like you and lied about you disclosing that you had a history of chronic headaches, blackouts, and evaluations for seizures.

- You did disclose random headaches during your enlistment physical, so you did not commit fraudulent enlistment. The reason you did not fight back during your administrative separation processing was because you needed to get home due to your mother-in-law informing you that your husband was abusing your children.

- You are requesting this change so you can serve in the Air Force.

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 for fraudulent enlistment based on your diagnosed history of headaches and failure to disclose your extensive medical history of headaches as part of your enlistment physical. The Board observed that you were properly notified of pending administrative separation for fraudulent enlistment and given the opportunity to consult counsel and request higher level review, which you declined. The Board also noted that two separate doctors reviewed your medical records and concurred in their recommendation for an ELMS. The Board also reviewed the active-duty medical records you provided and saw no evidence of error. The Board further noted that the records indicate that while you did indicate on your enlistment physical you had taken acetaminophen for a headache the night before, you denied a history of migraines, tension headaches, or seizures. Therefore, the Board determined the presumption of regularity applies to your fraudulent enlistment separation. Based on this finding, the Board also found that your assigned reentry code is appropriate. Thus, the Board found 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 a change to your reason for separation, separation code, and reentry code, your contentions, the negative effect your discharge has had on your life, 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 injustice in your fraudulent enlistment separation, separation code, and assigned reentry code. The record indicates that during recruit training, you disclosed a history of chronic headaches, blackouts, and evaluation for seizures that you did not disclose on your enlistment physical. Subsequent to the medical officers' recommendations, your commanding officer noted that you committed fraudulent enlistment by failing to disclose pertinent aspects of your medical history prior to entry into the naval service. The Board did not find your arguments of fraud and deceit by your Navy medical providers to be persuasive and could discern no reasonable motive for different medical providers to collude in order to facilitate your wrongful separation from the Navy. Therefore, while the Board appreciates your desire to serve in the Air Force, it concluded a change to your reason for separation, separation code, and reentry code is not warranted in the interests of justice.

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 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,

5/19/2026

