



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No: 3976-20  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER █  
XXX XX █ USMC

Ref: (a) 10 U.S.C. § 1552  
(b) SECDEF memo, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD," of 3 September 2014  
(c) PDUSD memo, "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or TBI," of 24 February 2016  
(d) PDUSD memo, "Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment," of 25 August 2017  
(e) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 with attachments  
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his naval record be corrected to reflect an honorable character of service.

2. The Board consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 30 June 2021 and, pursuant to its regulations, determined the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel 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). Additionally, the Board also considered the advisory opinion (AO) furnished by a qualified mental health provider.

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED]  
XXX XX [REDACTED] USMC

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Marine Corps on 2 March 1966. He served in the Vietnam Campaign from April 1967 to May 1968 in eleven named operations where he was awarded the Purple Heart Medal and Combat Action Ribbon.

d. On 28 August 1967, Petitioner received nonjudicial punishment (NJP) for wrongful appropriation of 36 cans of beer. On 11 June 1968, he received a second NJP for an unauthorized absence (UA). On 9 July 1968, Petitioner received a third NJP for a one-hour UA.

e. On 23 October 1968, Petitioner was convicted by special court-martial for an UA from 22 July 1968 to 30 September 1968. He was sentenced to confinement, reduction in rank, forfeiture, and a bad conduct discharge (BCD). The BCD was subsequently approved at all levels of review, and on 3 July 1969, Petitioner was discharged.

f. Petitioner contends he suffered from a mental health condition which occurred during his military service. He further contends his misconduct was minor and caused by his mental health condition. Petitioner submitted medical documentation reflecting his post-service diagnoses of PTSD, anxiety, depressive disorders, and major depression.

g. As part of the Board's review, a qualified mental health provider reviewed Petitioner's assertions and available records and provided an AO on 29 March 2021. The AO discusses Petitioner's combat exposure, wounds received in action which required medical evacuation, the death of one of his stretcher-bearers as he was being evacuated, and the mental health symptoms he battled upon his return to the United States. Based on the available evidence, the AO concluded the preponderance of objective evidence established Petitioner suffered from PTSD at the time of his military service, and his PTSD could mitigate his in-service misconduct.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief. The Board reviewed his application under the guidance provided in references (b) through (e).

The Board, applying liberal consideration and relying upon the favorable AO, determined there was sufficient evidence to support a finding that Petitioner's PTSD mitigated the misconduct that led to his BCD. Noting his extensive combat operations and relying upon the guidance provided by the Wilkie Memo, the Board determined clemency, in the form of an upgraded characterization of service, was warranted. In the interest of justice and in light of the potential

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED]  
XXX XX [REDACTED] USMC

for future negative implications, the Board determined Petitioner's narrative reason, separation code, and separation authority should be changed to "secretarial authority" with a corresponding reentry code.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a new DD Form 214 and discharge certificate indicating his characterization of service as "honorable," narrative reason for separation as "secretarial authority," separation code as "JFF1," separation authority as "MARCORSEPMAN 6421," and reentry code as "RE-1J."

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

7/14/2021

[REDACTED]  
Executive Director

Signed by: [REDACTED]