



the Convening Authority directed your discharge with a general (under honorable conditions) characterization of service.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 13 August 2021. The AO noted that your in-service records did not contain evidence of a diagnosis of a mental health condition or symptoms/behavioral changes indicative of a diagnosable unfitting mental health condition. The evidence you presented did not establish a timeline of onset and development of mental health symptoms or identify a nexus with your in-service misconduct. The AO concluded by opining that the preponderance of objective evidence failed to establish you suffered from a mental health condition at the time of your military service or your in-service misconduct could be mitigated by a mental health condition.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contention that in December of 2019 you were diagnosed with PTSD related to your combat experienced in the Gulf War, and as part of your ongoing therapy, it has been determined that your excessive alcohol consumption and lack of financial discipline were the result of PTSD. After careful consideration of the AO, your submission of supporting documentation from the Department of Veterans Affairs (VA), and applying liberal consideration, the Board did not find an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to your contention as previously discussed, your desire to upgrade your discharge character of service and upgrade your rank to Lance Corporal. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your SPCM conviction, outweighed these mitigating factors. About your contention, be advised decisions reached by the Department of Veterans Affairs (VA) to determine if former servicemembers rate certain VA benefits do not affect previous discharge decisions made by the Marine Corps. The criteria used by the VA in determining whether a former servicemember is eligible for benefits are different from that used by the Marine Corps when determining a member's discharge characterization of service. Accordingly, given the totality of the circumstances, the Board determined 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,

10/6/2021

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Executive Director

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