



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

█
Docket No: 3563-21

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █, USMC,
XXX-XX-█

Ref: (a) 10 U.S.C. §1552
(b) SECDEF Memo of 3 Sep 14 “Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD”
(c) PDUSD Memo of 24 Feb 16 “Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or TBI”
(d) PDUSD Memo of 25 Aug 17 “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”
(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 w/enls
(2) Advisory opinion of 31 Aug 21

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with this Board requesting that his uncharacterized entry level separation (ELS) be upgraded to Honorable on his Certificate of Release or Discharge from Active Duty (DD Form 214) due to Post-Traumatic Stress Disorder (PTSD). Enclosures (1) and (2) apply.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 25 October 2021, and pursuant to its regulations, determined that the partial corrective action indicated below should be taken. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, applicable statutes, regulations, 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). Additionally, The Board also considered the advisory opinion (AO) furnished by a qualified mental health provider, which was previously provided to Petitioner.

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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. Petitioner enlisted in the Marine Corps and began a period of active duty on 14 November 1996.

c. On 9 April 1997, medical personnel diagnosed Petitioner with a Borderline Personality disorder. He was found not to be mentally ill and responsible for his behavior. His Personality disorder was so severe that his ability to function effectively in the military environment was significantly impaired. Petitioner was counseled concerning his diagnosed Personality Disorder and unsatisfactory performance, and conduct, which was evidence by his inability to adapt to the Marine Corps.

d. On 10 April 1997, Petitioner was transferred pending a mental health appointment for personal problems and self-mutilation. Further, he as recommended for administrative separation due to a Personality Disorder after 26 days of training.

e. On 14 April 1997, Petitioner was notified of administrative discharge action due to his diagnosed Personality Disorder.

f. On 17 April 1997, Petitioner's case was forwarded to the separation authority with the recommendation that he be separated from the Marine Corps by reason of convenience of the government due to his diagnosed Personality Disorder.

g. On 2 May 1997, Petitioner was discharged from the Marine Corps with an uncharacterized (entry level separation) by reason of "Personality Disorder." With this regard, the Board noted that Petitioner was notified of his separation process within 180 days of the beginning of his period of active service. Marine Corps directives authorize an uncharacterized ELS if the processing of a Marine's separation begins within 180 days of active duty.

h. With his application, Petitioner states his current status is "Uncharacterized", yet on his Department of Veterans Affairs (DVA) Summary of Benefits, it states Honorable discharge. He further asserts that he was honorably discharge, and his character of service was upgraded in 2019, and he now needs evidence, is 100% service-connected mentally disabled, and has been collecting benefits for the last couple of years.

i. Enclosure (2), states that based on the available evidence, the preponderance of objective evidence failed to establish Petitioner suffered from an unfitting mental health condition at the time of his military service, or his characterization of military service was improper.

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k. Petitioner's request was fully and carefully considered by the Board in light of the Secretary of Defense's Memorandum, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requested by Veterans Claiming Post Traumatic Stress Disorder" of 3 September 2014 and the "Clarifying Guidance to Military Discharge Review Board 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" memorandum of 25 August 2017.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concurred with the AO that based on the available evidence, the preponderance of objective evidence failed to establish Petitioner suffered from an unfitting mental health condition at the time of his military service, or his characterization of military service was improper. However, the Board concludes that Petitioner's request warrants partial favorable action. Although he was diagnosed with a Personality Disorder, his Certificate of Release of Discharge from Active Duty (DD Form 214) should be changed to read that the narrative reason for his discharge was "Secretarial Authority" to eliminate the possibilities of invasive questions. The Board voted to leave the characterization of service as "Uncharacterized" in part, due to the fact that the DVA can classify a service member's service as Honorable for DVA purposes, which would allow evaluation for service-connected disabilities and possible DVA benefits. This is separate than a characterization of military service based on service instructions on determining characterization of service. Further, Petitioner is not contending his diagnosed Personality Disorder was in error or his discharge was improper.

In view of the foregoing, the Board finds the existence of an injustice warranting the following partial corrective action.

RECOMMENDATION

That Petitioner's naval record shall be corrected by changing the narrative reason for separation to reflect "Secretarial Authority."

That the separation authority be changed to read "MARCORSEPMAN par 6214."

That the separation code be changed to read "JFF1."

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

That no further action be granted.

A copy of this Report of Proceedings be filed in Petitioner's naval record.

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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.

11/2/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]