



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

██████████
Docket No: 4302-21
Ref: Signature Date

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Dear ██████████:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 December 2021. 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 this 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 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), and the relevant Advisory Opinion.

You enlisted in the Marine Corps and began a period of active duty on 1 February 2000. Your record reflects Administrative Remarks dated 14 December 2000, which document that you received counseling concerning deficiencies of consumption of alcoholic beverages while under age. You were again counseled on 27 June 2002 regarding not being recommended for promotion due to assignment to weight control. On 30 September 2002, you were again counseled regarding weight control. Administrative Remarks dated 30 April 2003, document unsatisfactory performance due to not meeting weight/body fat reduction goals. On 12 May 2003, Commanding Officer, Headquarters and Service Company requested that a Competency Review Board be convened due to unsatisfactory performance on the Weight Control Program,

and noted that you were 50 pounds over the maximum allowable weight for your height. In August 2003, you were again counseled regarding failure to maintain weight standards, and on 16 September 2003, you notified of administrative separation proceedings against you due to weight control failure (unsatisfactory performance). You acknowledged your rights, and were subsequently discharged from the Marine Corps on 7 November 2003, due to unsatisfactory performance. You received a general discharge and a reentry (RE) code of RE-3P.

In your application for correction, you ask that your discharge be upgraded from a general to an honorable characterization of service. You state that your average conduct and efficiency ratings and behavior and proficiency marks were good, and that your record of promotions and awards show your value as a service member. You assert that medical and psychiatric problems (Post Traumatic Stress Disorder/PTSD) related to your service impaired your ability to serve.

As part of the review process, a Licensed Clinical Psychologist reviewed your request and issued an Advisory Opinion dated 8 October 2021. The Advisory Opinion noted that “(i)n the provided records, there is no evidence of a diagnosis to a mental health condition” nor did you provide a description of specific traumatic events or psychological symptoms that would compromise a mental health diagnosis. The Advisory Opinion determined that there is insufficient evidence of a diagnosis of PTSD or other mental health condition that can be attributed to military service or that your misconduct could be attributed to a mental health condition. The Advisory Opinion was provided to you, and you were given 30 days in which to submit a response. When you did not provide a response within the 30-day timeframe, your case was submitted to the Board for consideration.

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 that you were suffering from a mental health condition to include PTSD that mitigated your in-service performance. The Board also considered your overall service record to include your average marks in enlistment of 4.3/4.1, and your entitlement to the Marine Corps Good Conduct Medal, National Defense Service Medal, Letter of Appreciation, Rifle Marksman Badge, and Pistol Sharpshooter Badge. The Board noted that the Advisory Opinion referenced “provided records” but in your application, you do not appear to have submitted any in-service or post-service treatment records or mental health information. The Board also noted that the Advisory Opinion referenced “misconduct” in your service record, but that your unsatisfactory performance was due to weight control failure. The Board considered the analysis and conclusions of the Advisory Opinion, noting that you were separated due to weight control issues not misconduct. The Board found that the evidence in your service record and your application do not support a finding that you suffered from a mental health condition to include PTSD that may have excused your weight control issues such that an upgrade to an honorable characterization of service is warranted. The Board determined that your general discharged was issued without error or injustice.

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

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Docket No: 4302-21

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,

1/9/2022

[Redacted Signature]

Executive Director

Signed by: [Redacted]