



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

[REDACTED]
Docket No: 7302-21
Ref: Signature date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USD Memo of 25 Aug 17 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures
(2) Advisory Opinion of 10 Feb 22

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 that the narrative reason for his separation be changed to "Secretarial Authority." Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 March 2022, and, pursuant to its regulations, determined that 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, applicable statutes, regulations, and policies, to include references (b) through (e). Additionally, the Board also considered enclosure (2), the advisory opinion (AO) furnished by qualified mental health provider. Petitioner was previously provided a copy of the AO for comment.

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. Although Petitioner did not file his application in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

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b. Petitioner enlisted and began a period of active duty on 15 July 2002. While deployed in [REDACTED] Petitioner received psychiatric care for post-trauma symptoms due to a dangerous physical reaction to dehydration.

c. On 7 February 2005, Petitioner received nonjudicial punishment (NJP) for violations of Article 91 and Article 92 after willfully disobeying a lawful order to get a haircut and, thereby, failing to obey a lawful general order regarding grooming standards.

d. During September of 2005, Petitioner received psychological evaluations which outlined his patient history, including information provided by his family members. He was diagnosed with personality disorder (PD) with borderline and dependent traits and also adjustment disorder (AD) with depressed mood. The evaluating mental health official recommended expeditious expiration, identifying that petitioner was an ongoing risk of harm to himself and others.

e. While pending action on his administrative separation for PD, Petitioner was counseled again for grooming standards and for being belligerent. He was notified on 20 January 2006 of administrative separation for the reason of PD with a recommendation for a General (Under Honorable Conditions) discharge. He submitted a statement in response to his separation in which he acknowledged that the Marine Corps was not a good fit for him, stating that he felt he would likely continue to get into trouble with authority.

f. Several members of Petitioner's chain of command provided statements regarding the quality of his performance as above average and recommending retention. Several stated an opinion that Petitioner simply wanted to escape his contract and should not be separated. However, his discharge was approved for the reason of an unsuitable PD and he was discharged on 7 April 2006.

g. Petitioner contends that, after his discharge, he was diagnosed with post-traumatic stress disorder and that his narrative reason for separation of PD is unjust and erroneous because his symptoms and behaviors during military service were undiagnosed PTSD, not PD. In support of his contentions, Petitioner submitted documentation of his Department of Veteran's Affairs diagnosis.

f. Because Petitioner contends he suffered from a mental health condition, the Board requested enclosure (2). The AO reviewed evidence of Petitioner's in-service mental health diagnoses as well as his post-service VA diagnoses; however, the AO noted that Petitioner provided no description of in-service trauma or symptoms experienced from trauma whereas the evidence of his PD is based on observed and documented behaviors and symptoms. The AO assessed that Petitioner's post-service diagnosis provides insufficient evidence to contradict his in-service diagnosis. As a result, the AO opined that there is sufficient evidence Petitioner's PD diagnosis was appropriate based on his medical history and that it is properly documented in his medical records.

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CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that the Petitioner's request warrants favorable action in the form of relief. The Board reviewed his application under the guidance provided in references (b) through (e) intended to be covered by this policy.

In this regard, the Board notes that it concurred with the AO regarding the propriety of the in-service diagnosis and the lack of evidence that Petitioner suffered from PTSD or another mental health condition during his military service. As a result, the Board found Petitioner's contentions with respect to an undiagnosed mental health condition to be without merit. However, the Board determined that a narrative reason for separation of "Personality Disorder" relates to individual health information and, therefore, merits correction in the interest of privacy.

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

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that on 7 April 2006, his "General (Under Honorable Conditions)" discharge was issued under separation authority "MARCORSEPMAN par 6214" with a narrative reason for separation of "Secretarial Authority" and separation code "JFF1."

That no further changes be made to Petitioner's record.

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.

4/11/2022

Executive Director