



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

█
Docket No: 693-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
█ 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 with enclosures
(2) Advisory Opinion of 3 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 her naval record be corrected to reflect a General (Under Honorable Conditions) characterization of service.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 18 February 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 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta 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 considered the advisory opinion (AO) furnished by a qualified mental health provider.

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.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED] USMC

b. Although Petitioner's 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 her case on its merits.

c. Petitioner enlisted and entered a period of active duty in the Marine Corps on 22 February 1993. Petitioner's medical record indicates that on 11 March 1993 she stated that she was raped two days prior to reporting to boot camp. The medical record further indicates Petitioner reported having nightmares. Petitioner underwent a psychiatric evaluation the same day and was diagnosed with depressed and anxious mood related to her recent trauma. She was recommended for entry-level separation due to failure to adapt. The medical officer further recommended Petitioner receive mental health treatment after discharge and stated, "This SNR needs to be in treatment as soon as possible for recent traumatic event.... She is motivated for service, wants to return at a later date when she has fully recovered." On 12 March 1993, Petitioner was notified of administrative separation processing as evidenced by failure to adapt to the Marine Corps environment. She waived her right to consult with counsel and acknowledged the entry-level separation. Petitioner was evaluated and medically cleared for discharge the same day. On 15 March 1993, Petitioner was discharged with an Uncharacterized characterization of service, narrative reason for separation as Entry Level Performance and Conduct, and reentry code as RE-3F.

d. Petitioner contends she was raped two days prior to going to boot camp and consequently suffered from PTSD during basic training. She states she thought she would be able to handle the situation and put it behind her; however, began to have headaches and nightmares about the assault. She further contends she became chronically depressed and was separated from the service.

e. As part of the Board's review, a qualified mental health provider reviewed Petitioner's assertions and available records and provided an AO dated 3 February 2022. The AO noted that in-service, the Petitioner demonstrated symptoms of PTSD secondary to a sexual assault incurred just prior to entry into military service. Furthermore, the service record supports the Petitioner's contention that these symptoms contributed to her early separation from service.

CONCLUSION:

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

In its deliberations, the Board applied liberal consideration and concurred with the AO. However, even though the Board determined a preexisting condition did exist and contributed to Petitioner's separation, the Board determined her preexisting condition was not aggravated by her service. Specifically, the Board found that Petitioner entered active duty with PTSD secondary to her preservice sexual assault and her condition did not progress beyond its natural progression. Based on this finding, the Board concluded it was not appropriate to upgrade to Petitioner's characterization of service since extraordinary circumstances to do so did not exist. Ultimately, the Board determined that Petitioner was appropriately discharged with an uncharacterized entry-level separation based on her active duty service time and no negative

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED] USMC

connotations are associated with her uncharacterized service. Despite this finding, in the interests of justice and in light of the potential for future negative implications, the Board determined Petitioner's narrative reason, separation code, and separation authority should be changed to "Secretarial Authority."

RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214 indicating the narrative reason for separation as "Secretarial Authority," separation authority as "MARCORSEPMAN 6214," and separation code as "JFF1."

That no further corrective action should be taken.

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.

3/9/2022

[REDACTED]
Executive Director
[REDACTED]