



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

■  
Docket No: 1572-22  
Ref: Signature Date



Dear Petitioner:

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 you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 9 May 2022. 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, and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). The Board also considered an advisory opinion (AO) from a qualified mental health professional.

You enlisted in the Marine Corps and began a period of active duty on 12 January 1988. While at recruit training, you were counseled because you were unable to grasp the fundamentals of close order drill and failed to show satisfactory results after being corrected. On 2 February 1988, you were dropped to the Medical Rehabilitation Platoon (MRP) due to illness. On 11 February 1988, you were seen at the neuropsychiatric clinic after being referred for continuous groin pain and your desire to be discharged. The record documents that you were having a difficult time coping with military transition, had been at MRP for 11 days, felt depressed and under too much stress, had suicide ideations of cutting your wrists or hanging yourself, and did not like yelling or authority figures. As a result, you were recommended for an entry level separation from the training platoon. On 12 February 1988, you were counseled and received a written notice for your deficiencies and for being dropped from MRP due to being found unfit for duty by the Naval

Psychiatric Unit (NPU). On 16 February 1988, you were notified of your intended recommendation for administrative discharge and advised of your procedural rights. You waived your right to consult with counsel and to submit a written statement in rebuttal to your administrative processing. The separation authority directed you be discharged with an entry level separation for unsatisfactory entry level performance and conduct and, on 22 February 1988, you were so discharged after one month and 11 days of active service.

In your petition you contend; (1) you volunteered for the U.S. Marine Corps because you believed in the American dream and were willing to die to protect that dream, (2) you wanted to join the U.S. Military because they were one of the good guys and still are, (3) in the Marine Corps you experienced racial discrimination and sexual harassment/body shaming, which was very traumatic, (4) after the Marine Corps you went through a tough period of addiction and depression, (5) with your family's support you were able to graduate college and become a █ public school teacher, (6) you have been teaching students with disabilities for the past 25 years, (7) a friend suggested you create a military account and check you military discharge status, which you want corrected, (8) you want your kids to know that you were not a failure, (9) you wanted to forget about your experience because of the trauma associated with it, (10) you think you are in a better place to now deal with this, and (11) it seems as if the country is trying to redeem itself from past transgressions when it comes to racial injustices. For purposes of clemency consideration, the Board noted you did not provide any advocacy letters.

In connection with your assertion that you suffered from a mental health condition (MHC), the Board requested, and reviewed, the AO. The AO reviewed your service record as well as your petition and the matters that you submitted. According to the AO:

During his military training, the Petitioner was diagnosed with a possible Dysthymic Disorder, indicating persistent depressed mood, for more days than not, for at least two years. This diagnosis pre-dated your military service, which was little more than one month. However, it does appear that his symptoms worsened in service, as he reported the onset of suicidal ideation. When evaluated in service, it was determined that the Petitioner was unable to adapt to the unique stressors of military service, and it is likely that his pre-existing mental health concerns contributed to his difficulty adapting to military service. The Petitioner provided no details regarding his purported racial discrimination and sexual harassment.

The AO concluded, “[b]ased on the available evidence, it is my clinical opinion that there is evidence of a possible mental health condition that may have been exacerbated by military service (Dysthymic Disorder). There is evidence that his separation from service may be attributed to a pre-existing mental health condition (Dysthymic Disorder).”

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 contentions noted above and your desire to change your discharge from ELS to Medical Discharge. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board

concluded with the AO that your mental health condition was a preexisting condition. Further, based on the lack of evidence that your condition was aggravated beyond its natural progression, the Board found you did not meet the criteria for unfitness to merit a change to your narrative reason for separation to disability. In making this finding, the Board considered that you were notified of your separation process approximately 34 days of the beginning of your period of active service. Further, applicable regulations authorize an uncharacterized entry-level separation if the processing of an individual's separation begins within 180 days of the individual's entry on active service. Based on your time in service, the Board determined you were appropriately assigned an uncharacterized entry-level separation. In view of the forgoing, the Board discerned no error or injustice in your discharge action that would warrant a change in your characterization of service or narrative reason for separation. 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,

6/5/2022

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Executive Director

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