



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

█  
Docket No: 1906-22  
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER █  
█ USMC

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” (Kurta Memo)  
(e) SECDEF 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 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record (excerpts)  
(4) Advisory Opinion dated 8 August 2022

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Marine Corps filed enclosure (1) with this Board requesting that his General (Under Honorable Conditions) characterization of service be upgraded. He also implied and requested that his Narrative Reason for Separation be changed from “Personality Disorder” to “Secretarial Authority” with associated changes to his reenlistment code, separation Code (SPD), and separation authority. Enclosures (1) through (4) apply.

2. The Board, consisting of █, reviewed Petitioner’s allegations of error and injustice on 28 September 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, and applicable statutes, regulations, and policies, to include references (b) through (e). Additionally, The Board also considered enclosure (4), the advisory opinion (AO) dated 8 August 2022. Petitioner was provided an opportunity to comment on the AO but chose not to do so.

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER [REDACTED]

[REDACTED] USMC

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. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

c. Petitioner enlisted in the Marine Corps on 1 August 1995. On 8 January 1996, Petitioner received an evaluation from the Naval Hospital [REDACTED] which diagnosed him with a personality disorder. On 10 January 1996, he received non-judicial punishment (NJP) for unauthorized absence (UA) for 27 days. Subsequently, he was notified of pending administrative separation action by reason of a personality disorder. After waiving his rights, his commanding officer (CO) forwarded his package to the separation authority (SA) recommending his discharge by reason of a personality disorder, with an General (Under Honorable Conditions) characterization of service. The SA approved the CO's recommendation and, on 5 April 1996, he was so discharged.

d. Based on Petitioner's assertion of a mental health condition, enclosure (4) was requested and reviewed. It stated in pertinent part:

During military service, he was diagnosed with a personality disorder. This diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service and, by definition, is neither incurred in nor exacerbated by military service. Unfortunately, he has provided no medical evidence to support his claims. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) would aid in rendering an alternate opinion.

The AO concluded, "it is my considered clinical opinion there is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence his misconduct could be attributed to a mental health diagnosis."

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. In keeping with the letter and spirit of the Wilkie Memo, the Board determined that it would be an injustice to label one's discharge as being for a diagnosed personality disorder. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's discharge should not be labeled as being for a mental health-related condition and that certain remedial administrative changes are warranted to the DD Form 214. Specifically, the Board determined a change to his Narrative Reason for Separation to Secretarial Authority with associated changes to his separation authority and SPD code were appropriate.

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER [REDACTED]

[REDACTED] USMC

Regarding Petitioner's request to upgrade his characterization of service, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with Wilkie Memo. These included, but were not limited to, his desire for a discharge upgrade and contentions that he suffered from depression issues, raised a family since his discharge, and is a business owner that assists with local charities. For purposes of clemency consideration, the Board noted Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his misconduct against the brevity of his service. Further, the Board concurred with enclosure (4) that there is insufficient evidence his misconduct could be attributed to a mental health diagnosis. As a result, the Board concluded significant negative aspects of Petitioner's active service outweighed the positive aspects and continues to warrant a General (Under Honorable Conditions) characterization. While the Board commended Petitioner's post-discharge good character, after applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading Petitioner's characterization of service or granting clemency in the form of an upgraded characterization of service. Similarly, the Board determined that Petitioner's reenlistment code should remain unchanged based on his unsuitability for further military service.

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) that shows, for the period ending 5 April 1996, his narrative reason for separation as "Secretarial Authority," separation code as "JFF1," and separation authority as "MARCORSEPMAN Para 6207."

That no further changes be made to the record.

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

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

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

10/6/2022

