



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

█
Docket No. 2303-22
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, 3 Sep 14 (Hagel Memo)
(c) PDUSD Memo, 24 Feb 16 (Carson Memo)
(d) USD Memo, 25 Aug 17 (Kurta Memo)
(e) USD Memo of 25 July 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion, 24 May 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 changed in light of current guidelines as reflected in references (b) and (e). He also implicitly requested that his Narrative Reason for Separation be changed from "Personality Disorder" to "Secretarial Authority," "RE-4" reenlistment code be changed to "RE-1," and Separation Code (SPD) "JFK1" to "JFF1." Additionally, that the separation authority "MILPERSMAN par 6203.3," be changed. Enclosures (1) through (4) apply.

2. The Board, consisting of █, and █ reviewed Petitioner's allegations of error and injustice on 20 July 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 the advisory opinion (AO), 24 May 2022, the post-service diagnoses of Depressive Disorder, and Petitioner's rebuttal to the AO, 30 May 2022.

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

b. Petitioner enlisted in the Marine Corps and commenced active duty on 9 February 2004. On 24 September 2004, Petitioner received an evaluation from the Division psychologist and was diagnosed with an avoidant personality disorder and recommended for administrative separation. On 1 October

2004, the Battalion surgeon agreed with the diagnosis and concurred with the recommendation for administrative separation. 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 Honorable characterization of service. The SA disagreed with the CO recommendation and approved a General (Under Honorable Conditions) characterization of service. On 7 March 2005, he was discharged.

c. As part of his application, Petitioner argues that his discharge was unfairly and unjustly characterized based on his mental health condition. He also provided supporting documentation describing post-service accomplishments and an advocacy letter.

d. Since Petitioner raised the issue of a mental health condition, the Board considered enclosure (4), an advisory opinion (AO) from a qualified medical professional. The AO states in pertinent part:

Petitioner's OMPF did contain evidence of a diagnosis of Avoidant Personality Disorder and no other mental health condition. Petitioner provided documentation of a post-service diagnosis of a depressive disorder that does not appear to be related to his military service. He did not provide any evidence his in-service diagnosis was made in error. Petitioner's in-service diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed over multiple sessions. A personality disorder indicates lifelong characterological traits that render military service unsuitable. Avoidant Personality Disorder is hallmarked with symptoms consistent with Petitioner's reported in-service behaviors (i.e., avoids occupational activities that involve significant interpersonal contact because of fears or criticism, fear of being shamed or ridiculed, preoccupied with being criticized in social situations, inhibited in new interpersonal situation because of feelings of inadequacy). Stressors in military life are different from civilian life; consequently, it is typical for a personality disorder to improve after separation from service and the restrictive and demanding military environment. Additionally, nondisclosure of prior service mental health treatment would not be attributable to a depressive disorder.

The AO concluded, "[b]ased on the available evidence, it is my considered clinical opinion, there is insufficient evidence of a MHC that can be attributed to military service."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief. The Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior 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 narrative reason for separation should not be labeled as being for a mental health-related condition and should be changed to "Secretarial Authority" with associated changes to his separation authority, separation code, and reenlistment code.

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Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the Marine's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record even under the liberal consideration standards for mental health conditions, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate. In making this finding, the Board took into consideration the Division Psychologist evaluation that documented Petitioner's lack of motivation for military service along with counseling, discipline, and other interventions by his chain of command. In addition, the Board concurred with the AO that there is insufficient evidence of a mental health condition can be attributed to Petitioner's military service.

RECOMMENDATION

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

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) that shows that on 7 March 2005, his narrative reason for separation was "Secretarial Plenary Authority", reenlistment code was "RE-1", separation code was "JFF1", and his separation authority was "MARCORSEPMAN 6214". That no further changes be made to the record.

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

7/28/2022

[REDACTED]

Deputy [REDACTED]

[REDACTED]