



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

█  
Docket No: 4059-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █  
XXX XX █ USMC

Ref: (a) 10 U.S.C. § 1552  
(b) SECDEF Memo, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder," of 3 September 2014 (Hagel Memo)  
(c) PDUSD Memo, "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or TBI," of 24 February 2016  
(d) USD Memo, "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," of 25 August 2017 (Kurta Memo)  
(e) USECDEF 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

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 his naval record be corrected to upgrade his characterization of service and make other conforming changes to his DD Form 214 following his discharge for a personality disorder.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 29 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 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

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determinations (Wilkie Memo). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider and Petitioner's response to the AO.

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. The Petitioner enlisted in the Marine Corps and began a period of active service on 21 August 2000. Petitioner's pre-enlistment physical, on 31 January 2000, and self-reported medical history noted no psychiatric or neurologic abnormalities, conditions, or symptoms.

d. Between 7 February and 14 February 2001, Petitioner was admitted to [REDACTED] following approximately two weeks of neurovegetative symptoms of depression. On 14 February 2001, Petitioner was diagnosed with major depressive disorder, recurrent, and avoidant and schizoid personality features. The Navy Medical Officer (NMO) recommended that Petitioner be placed on limited duty for six months because he was unable to perform unrestricted military duties.

e. On 12 April 2001, Petitioner received a "Page 11" counseling sheet (Page 11). The Page 11 counseled Petitioner for his diagnosed mental condition and informed Petitioner that his condition was of such severity that he will be processed for administrative separation.

f. On 8 June 2001, Petitioner was treated at the emergency room (ER) for ingesting an unknown amount of liquid starch. On 6 August 2001, Petitioner was taken to the ER after taking approximately twenty-five aspirin and an unknown amount of a household cleaner. The attending physician recommended Petitioner's expeditious administrative separation due to his extreme personality disorder.

g. On 14 August 2001, the Petitioner was notified that he was being processed for an administrative discharge by reason of misconduct due to the commission of a serious offense, and for the convenience of the government due on the basis of a diagnosed personality disorder. The Petitioner waived his rights to consult with counsel, provide a written rebuttal statement to the proposed separation, and to request an administrative separation board. On 28 August 2001, a Marine Corps Staff Judge Advocate determined that Petitioner's separation was legally and factually sufficient. On 30 August 2001, the Separation Authority (SA) approved and directed Petitioner's discharge with a General (Under Honorable Conditions) (GEN) characterization of service. The SA specifically determined that Petitioner did not commit a serious offense, and that his separation was based solely on the diagnosed personality disorder. Ultimately, on 6 September 2001, the Petitioner was discharged from the Marine Corps with a GEN characterization of service with "Personality Disorder" as the listed narrative reason for

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separation and “JFX1” as the listed separation code. The Petitioner also received an “RE-4” reentry code.

h. On 20 August 2018 the BCNR concluded that it would be an injustice to label Petitioner’s discharge as being for a diagnosed character and behavior disorder. The Board determined that describing Petitioner’s service in this manner attached a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictated a change. Accordingly, the Board concluded that Petitioner’s discharge should not be labeled as being for a mental health-related condition and made certain remedial administrative changes to Petitioner’s DD Form 214, but kept the GEN characterization and RE-4 reentry code.

i. The Marine Corps Separation and Retirement Manual (MARCORSEPMAN) paragraph 6203.3 states that the characterization of service for a personality disorder separation is Honorable, unless a GEN is warranted under the circumstances.

j. In short, Petitioner contended he had no documented misconduct in his record, and that because his behavior and performance were a direct result of his mental health conditions there was no justification for his characterization of service to be anything other than Honorable. The Petitioner argued that it was an error and unjust to have characterized his service as GEN.

k. As part of the review process, the BCNR Physician Advisor, who is a licensed clinical psychologist (Ph.D.), reviewed Petitioner’s contentions and the available records and issued an AO on 8 June 2022. The Ph.D. stated in pertinent part:

During military service, he was diagnosed with MDD and a personality disorder. Although the service medical record was not available for review, records from the personnel file indicate that medical providers determined that his personality disorder was sufficiently severe as to be his primary mental health condition, which resulted in a recommendation of expeditious administrative separation. His diagnoses were based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluations performed during close observation across multiple hospitalizations. Upon repeated evaluation, it was determined that his self-harm gestures were related to personality traits, rather than suicidal symptoms consistent with depression. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service. While his in-service MDD diagnosis does appear to be an exacerbation of pre-service symptoms, available records indicate that the recommendation for separation was related to his personality disorder. Additional records (e.g., service or other mental health records describing the Petitioner’s diagnosis, symptoms, and their specific link to his misconduct) would aid in rendering an alternate opinion.

The Ph.D. concluded, “[b]ased on the available evidence, it is my clinical opinion that there is evidence of a mental health condition that may be attributed to military service (MDD). There is

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insufficient evidence that his misconduct could be attributed to a mental health condition, other than his diagnosed personality disorder.

1. In response to the AO, Petitioner submitted additional arguments in support of his request for relief.

#### CONCLUSION:

Upon review and liberal consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief.

In keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, the Board believed that there was an injustice in ultimately separating the Petitioner with a GEN characterization for service. The Board took notice that the governing MARCORSEPMAN provision stated Petitioner's characterization should be Honorable under the circumstances, unless a GEN was warranted. The Board noted that there were no instances of adjudicated misconduct in Petitioner's service record and determined his diagnosed personality adversely affected his performance and was the underlying cause of his discharge. With that being determined, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner's service as having been under GEN conditions. Especially in light of the Wilkie Memo, the Board concluded after reviewing the record holistically, and given the totality of the circumstances that a discharge upgrade is appropriate at this time.

The Board also noted that when the BCNR fashioned relief in August 2018, the incorrect MARCORSEPMAN provision was cited as the separation authority in Block 25 of Petitioner's reissued DD Form 214. Accordingly, the Board concluded that certain additional remedial administrative changes are warranted to the DD Form 214.

Notwithstanding the recommended corrective action below, the Board did not find a material error or injustice with the Petitioner's RE-4 reentry code and was not willing to modify it. The Board concluded the Petitioner was assigned the correct reentry code based on the totality of his circumstances, and that it was proper, equitable, and in compliance with Department of the Navy directives and policy at the time of his discharge.

#### RECOMMENDATION:

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

That Petitioner's character of service be changed to "Honorable," and the separation authority be changed to "MARCORSEPMAN par. 6214."

Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty.

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Petitioner shall be issued a new Honorable Discharge Certificate.

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 Regulations, 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.

8/4/2022

[REDACTED]  
Executive Director

Signed by: [REDACTED]