



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

█  
Docket No: 6347-22

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 make certain conforming changes to his DD Form 214 following his discharge for an alcohol rehabilitation failure.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 28 October 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

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

determinations (Wilkie Memo). Additionally, the Board also considered the advisory opinion (AO) furnished by 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.

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 13 August 1991. Petitioner's pre-enlistment physical examination, on 14 December 1989, and self-reported medical history both noted no psychiatric or neurologic abnormalities, conditions, or symptoms.

d. On 6 October 1995, Petitioner was admitted to Naval Hospital Camp [REDACTED] to undergo Level III inpatient alcohol rehabilitation treatment. The Petitioner referred himself for treatment due to some alcohol-related problems. Petitioner was diagnosed with alcohol dependence and discharged, on 3 November 1995, upon completion of his treatment. The Petitioner was returned to full duty and proscribed a strict twelve-month "aftercare" regimen following his inpatient treatment.

e. Subsequently, Petitioner was arrested by civilian authorities in the early morning hours of 23 December 1995 for DUI. At the time of his arrest, Petitioner's blood alcohol level was .201. Additionally, Petitioner was absent from a mandatory aftercare appointment on 8 January 1996. On 1 February 1996 Petitioner was diagnosed with an alcohol dependence relapse, and the Director of the Consolidated Drug and Alcohol Center at Camp [REDACTED] recommended Petitioner's administrative separation for being an alcohol rehabilitation treatment failure.

f. On 23 April 1996, Petitioner's command notified him that he was being processed for an administrative discharge by reason of alcohol rehabilitation failure. The processing for separation was based Petitioner's failure to satisfactorily complete his required aftercare treatment program. The Petitioner waived his rights to consult with counsel, and to provide a written rebuttal statement to the proposed separation. On 30 April 1996, Petitioner's commanding officer recommended to the Separation Authority he receive a General (Under Honorable Conditions) (GEN) characterization of service. Ultimately, on 18 June 1996, the Petitioner was discharged from the Marine Corps with an Honorable characterization of service with "Alcohol Rehabilitation Failure" as the listed narrative reason for separation and "JPD1" as the corresponding separation code. The Petitioner also received an "RE-4" reentry code.

g. Post-service the VA diagnosed Petitioner with service-connected chronic PTSD in 2022.

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

h. In short, Petitioner contended the Navy erred by characterizing his separation as being for a rehabilitation failure in lieu of a mental health condition. The Petitioner argued that he was misdiagnosed with alcoholism instead of PTSD shortly after returning from an overseas deployment. The Petitioner further argued, in part, that it was unjust to leave alcohol rehabilitation failure on the DD Form 214 given the VA's service-connected PTSD diagnosis.

i. 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 7 October 2022. The Ph.D. stated in pertinent part:

During military service, he was diagnosed with an alcohol use disorder. Problematic alcohol use is incompatible with military readiness and discipline. The evidence indicates he was aware of the potential for misconduct when he consumed alcohol and responsible for his behavior. Post-service, he has provided evidence of a PTSD diagnosis attributed to military service. It is possible that his alcohol use and associated misconduct could have been maladaptive coping strategies in response to PTSD symptoms. His problematic alcohol use behavior does follow his Somalia deployment and although his record indicated alcohol use beginning at age 15, problematic use was not identified until after the he self-referred for treatment. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) would strengthen the opinion.

The Ph.D. concluded, "it is my considered clinical opinion there is post-service evidence of a diagnosis of PTSD that may be attributed to military service. There is post-service evidence his misconduct could be attributed to PTSD symptoms."

#### CONCLUSION:

Upon review and liberal 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 Hagel, Kurta, and Wilkie Memos, the Board determined that it would be an injustice to label one's discharge as for behavioral issues related to alcohol dependency. 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 no useful purpose is served by labeling Petitioner's discharge as being for a mental health-related condition and that certain remedial administrative changes were 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 such reentry code was proper and equitable and in compliance with all Department of the Navy directives and policy at the time of his discharge.

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

RECOMMENDATION:

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

That Petitioner's the narrative reason for separation should be changed to "Secretarial Authority," the separation authority be changed to "MARCORSEPMAN par. 6214," and the separation code be changed to "JFF1."

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

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.

11/1/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]