



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

█  
Docket No. 6465-22  
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) MCO P1900.16C  
(c) SECDEF Memo of 3 Sep 14 (Hagel Memo)  
(d) PDUSD Memo of 24 Feb 16 (Carson Memo)  
(e) USD Memo of 25 Aug 17 (Kurta Memo)  
(f) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/enclosures  
(2) Medical Record Consultation Sheet, 10 Dec 87  
(3) Refusal of Alcohol Treatment, 11 Dec 87  
(4) Notification of Separation, 19 Jan 88  
(5) Separation Proceedings (Acknowledgment of Rights), 19 Jan 88  
(6) Commanding Officer, Analysis, 19 Jan 88  
(7) Commanding Officer, Recommendation for Administrative Discharge, 19 Jan 88  
(8) Commanding General, Recommendation for Administrative Discharge, 1 Feb 88  
(9) Separation Authority, 1 Feb 88  
(10) DD Form 214, 9 Feb 88  
(11) Proficiency and Conduct Marks  
(12) Advisory Opinion by a Licensed Clinical Psychologist, 24 Oct 22

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 by upgrading the characterization of service from “uncharacterized” to “honorable” on his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board reviewed Petitioner’s allegations of error and injustice on 12 December 2022 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner’s naval records, applicable statutes, regulations, and policies, to include references (b) through (f). The Board also considered, enclosure (12), an advisory opinion (AO) furnished by a Licensed Clinical Psychologist, which was previously provided to the Petitioner. Petitioner was afforded an opportunity to submit a rebuttal, but did not do so.

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3. 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 the interest of justice to consider Petitioner's request on the merits. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. On 27 July 1987, Petitioner began a period of active duty in the United States Marine Corps. Enclosure (10).

b. On 10 December 1987, Petitioner was evaluated by medical personnel after expressing suicidal ideations over personal problems. The medical evaluation revealed that Petitioner reported multiple problems in and out of the Marine Corps, and a long history of adjustment problems prior to his military service. The evaluation further indicated that Petitioner would get out of the Marine Corps any way he could. Petitioner was diagnosed with alcohol abuse (mild) and borderline personality disorder, which existed prior to entry. Although Petitioner was technically fit for duty, processing for administrative separation due to unsuitability was strongly recommended. Additionally, Petitioner refused treatment/rehabilitation for alcohol abuse and signed a refusal of treatment statement on 11 December 1987. Enclosures (2)-(3).

c. On 19 January 1988, Petitioner was notified of his pending administrative separation by reason of misconduct due to alcohol rehabilitation failure by reason of treatment failure. Petitioner's commanding officer stated that Petitioner "was diagnosed as having a borderline personality disorder and being an alcohol abuser. He then refused to accept treatment in the military for his alcohol related problem. He has no desire to stay in the Marine Corps and is lacking in motivation. He will never be a productive Marine. I strongly recommend that he be discharged from the Marine Corps due to refusal to participate in a rehabilitation treatment program for alcohol abuse with an entry level separation." Petitioner was further notified because he had less than 180 days of active duty service his service would be characterized as an entry level separation (uncharacterized).<sup>1</sup> Petitioner waived his right to counsel and to submit a statement. Enclosures (4), (5), (6), and (7).

d. On 1 February 1988, the separation authority directed Petitioner be discharged with an entry level separation (uncharacterized) character of service by reason of alcohol abuse rehabilitation failure, and on 9 February 1988, Petitioner was discharged. Enclosures (8), (9), and (10).

e. At the time of Petitioner's discharge his average proficiency and conduct marks were 4.2/4.2. Petitioner received three sets of proficiency and conduct marks during his time in the Marine Corps: 4.5/4.5 Recruits Training, 4.0/4.0 Student, and 4.2/4.2 Discharge (4.0 was required to be eligible for an honorable characterization of service for Marines separated with more than 180 days of service). Enclosure (11).

[REDACTED]

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f. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and provided the Board with an AO. The AO stated in pertinent part:

"There is evidence that the Petitioner was diagnosed with alcohol use disorder and a Personality Disorder in service. He was appropriately referred for psychological evaluation during his enlistment and properly evaluated over several encounters, including a referral to substance abuse programming. He has submitted no medical evidence in support of his claims. His diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluations performed by mental health clinicians as documented in his service records."

The AO concluded, "[b]ased on the available evidence, it is my considered clinical opinion there is sufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence that the reasons for his uncharacterized entry level separation are in error."

Enclosure (12).

g. Petitioner contends that he has a service connected disability who was discharged with an honorable on all his records except his DD Form 214, and is being denied certain services because of this administrative error. He provided documents from the Department of Veterans Affairs and a copy of his DD Form 214 for consideration. Enclosure (1).

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's application warrants relief.

The Board applied references (c) through (e) and liberal consideration based on Petitioner's application and contentions, and the effect that it may have had on his discharge. In this regard, the Board disagreed with the AO, finding that Petitioner provided evidence of a service connected disability by the Department of Veterans Affairs. The Board further agreed that although reference (b)<sup>2</sup> was in place at the time of Petitioner's discharge, he should be granted a characterization of service based solely on his conduct marks. Additionally, in the interests of justice and in light of the potential for future negative implications, the Board also determined Petitioner's narrative reason for separation, separation authority and separation code should be changed.

[REDACTED]

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RECOMMENDATION

In view of the foregoing, the Board recommends the following corrective action:

Petitioner be issued a new DD Form 214 with an “Honorable” characterization of service, “Secretary of the Navy Plenary Authority” narrative reason for separation, “MARCORSEPMAN Par. 6214” separation authority, and “JFF1” separation code.

Petitioner be issued an honorable discharge certificate.

That no further correction action be taken on Petitioner’s naval record.

That a copy of this record 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. The foregoing action of the Board is submitted for your review and action.

2/1/2023

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Approved (Partial Relief) - In the interests of justice and in light of the potential for future negative implications, I determined that Petitioner’s narrative reason for separation, separation authority and separation code should be changed.

Petitioner be issued a new DD Form 214 with a “Secretary of the Navy Plenary Authority” narrative reason for separation, “MARCORSEPMAN Par. 6214” separation authority, and “JFF1” separation code.

Reviewed and Approved Advisory Opinion Recommendation and in accordance with reference (b) - (Deny Relief)

4/18/2023

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]