



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

██████████  
Docket No: 7774-22

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 of 3 Sep 14 (Hagel Memo)  
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)  
(d) USD Memo of 25 Aug 17 (Kurta Memo)  
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures  
(2) Advisory Opinion (AO) of 16 Dec 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 an upgrade of his character of service, separation code, and reentry code. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 22 December 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, applicable statutes, regulations, and policies, to include references (b) through (e). The Board also considered enclosure (2), an advisory opinion from a qualified mental health professional. Although Petitioner was provided an opportunity to respond to the AO, he chose not to do so.

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 Petitioner did not file his application in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

b. Petitioner enlisted in the Marine Corps and, after receiving a drug use waiver, began a period of active duty on 15 August 1994. He was counseled, on 19 August 1994, for assignment to weight control after reporting for recruit training.

c. On 18 October 1994, Petitioner was medically dropped to a casual platoon due to knee pain but returned to full duty the next day. Due to having missed 6 days of training, he was dropped to a different training platoon and was subsequently counseled for refusing to train on 4 November 1994.

d. On 9 November 1994, Petitioner told the chaplain that he had access to live ammunition and would kill the people who made him angry. He was referred to medical for a psychiatric evaluation, on 10 November 1994, for both homicidal and suicidal ideations, having expressed a plan to a drill instructor that he would kill him, other recruits, and then himself during live fire training. He also expressed a clear desire to be released from active duty. His records indicate that he had pre-service behavioral history of disciplinary problems to include suspensions from school, gang-related activity, and running away. He was diagnosed with Adjustment Disorder (AD) with depressed mood and strongly recommended for entry-level separation due to mental health unsuitability, failure to adapt, and posing a high risk of injury to himself and others.

e. Petitioner was notified, on 22 November 1994, of processing for administrative separation by reason of defective enlistment due to a pre-existing AD. He was discharged with uncharacterized service, on 28 November 1994, immediately following approval of his separation. Petitioner was assigned a reentry code of "RE-3C" with a narrative reason for separation of "Erroneous Enlistment – Prior History – Adjustment Disorder."

f. Petitioner, who was granted service-connected disability due to post-traumatic stress disorder (PTSD) to include major depressive disorder (MDD) by the Department of Veteran's Affairs (VA) on 29 March 2022, contends that his characterization of service should not be "Uncharacterized," but "Honorable," due to his "discharge being service connected." He also argues that his separation code and reentry code should also be upgraded.

g. Because Petitioner contends a mental health condition affected his discharge, the Board also requested enclosure (2), for consideration. The AO noted in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His adjustment disorder diagnosis and recommendation for separation due to failure to adapt was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed. Post-service, the VA has granted service connection for PTSD that is temporally remote to his military service. An adjustment disorder indicates difficulty adapting to military stressors and would typically resolve following the removal of the stressor. It is possible that the symptoms identified as difficulty adjusting in service have been re-conceptualized as symptoms of PTSD, with the passage of time and increased

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

understanding, although there is insufficient information regarding his traumatic precipitant. There is no evidence of error in diagnosis during service.

The AO concluded, "it is my considered clinical opinion there is post-service evidence of a diagnosis of PTSD. There is in-service evidence of a diagnosis of a mental health condition in service (Adjustment disorder). There is evidence the circumstances surrounding his separation could be attributed to a mental health condition."

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants favorable action in the form of partial relief. The Board reviewed the application under the guidance provided in references (b) through (e) intended to be covered by this policy. 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 being for a diagnosed character and behavior and/or adjustment 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.

Regarding Petitioner's request to be assigned an Honorable characterization of service with changes to his separation code and reentry code, the Board determined no relief was warranted. In this regard, the Board noted that Petitioner was discharged prior to completing 180 days of active duty service and, therefore, under applicable service regulations regarding entry-level separation, his "Uncharacterized" discharge was neither erroneous nor unjust. With respect to his processing for erroneous enlistment, the Board concurred with the AO that Petitioner exhibited behaviors which clearly demonstrated his inability to adapt and unsuitability for military service, especially in light of his homicidal threats toward drill instructor staff and other recruits, and was duly diagnosed with AD. The Board concluded that, had Petitioner's inability to adapt been known at the time of his induction, he would not have been permitted to enlist. As a result, the Board found more than sufficient evidence within Petitioner's service record to substantiate the basis of erroneous enlistment due to his unsuitability for military service, to include his problematic pre-service disciplinary history. Therefore, although the Board also concluded that the reentry code of "RE-3C" and separation code of "GFC7," are neither erroneous nor unjust. Accordingly, the Board determined that it is in the interest of justice only to grant partial relief with respect to removing the mental health aspect from his narrative reason for separation.

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

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

(DD Form 214) indicating that, on 28 November 1994, his "Uncharacterized" discharge was issued for the narrative reason of "Erroneous Enlistment."

That no further changes be made to Petitioner's record.

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.

1/17/2023

