



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

[REDACTED]
Docket No. 9239-22

Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552
(b) 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

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 a correction to his reentry code on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosure (2) applies.

2. The Board, consisting of [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 January 2022, and, pursuant to its regulations, determined 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 his naval service records, and applicable statutes, regulations, policies to include reference (b).

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, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty service on 19 April 2005. On 8 September 2005, Petitioner was diagnosed by a medical officer with dependent personality disorder. On 18 October 2005, Petitioner was notified of the initiation of administrative separation proceedings by reason of personality disorder, at which point, he decided to waive his procedural rights. On the same date, the Petitioner's commanding officer

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recommended that he be administratively separated from the Marine Corps with and Honorable discharge characterization of service by reason of personality disorder. On 31 October 2005, the separation authority approved and ordered that Petitioner be separated from the Marine Corps with an Honorable discharge characterization by reason of personality disorder with a RE-4 reentry code. On 1 November 2005, Petitioner was so discharged.

d. Petitioner contends he is no longer suffering from any personality disorders or mental health related issues. Petitioner states he was young and going through a lot of issues. He wants the opportunity to reenlist and provide for his family.

CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants partial relief. In keeping with the letter and spirit of the Wilkie Memo, 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 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 have his reentry code changed, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. Ultimately, the Board determined Petitioner was issued the appropriate reentry code based on the applicable regulation. Therefore, an upgrade to the Petitioner reentry code is not warranted absent evidence that an error or injustice exists in his record. In making this finding, the Board noted Petitioner did not submit any evidence to substantiate his contention that an injustice exists in his record.

In view of the above, the Board directs the following corrective action:

RECOMMENDATION:

That Petitioner's be issued a new DD Form 214 and certificate to show that, on 1 November 2005, his narrative reason for separation was "Secretarial Authority," SPD code was "JFF1," and his separation authority was "MARCORPSEPMAN, Par 6012."

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.

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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.

1/26/2023

[REDACTED]

Executive Director

[REDACTED]