



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

██████████
Docket No. 3263-23
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 with attachments
(2) Case summary
(3) Advisory Opinion of 25 October 2023

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 his discharge be upgraded.

2. The Board consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 6 November 2023, 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 his naval service records, and applicable statutes, regulations, and policies including references (b) through (e). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional.

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 U.S. Marine Corps and began a period of active duty on 21 May 2001. Numerous times throughout his enlistment, Petitioner was seen at medical regarding depression and suicide ideation. In late 2002, a substance abuse screening found an initial impression of alcohol abuse and assigned Petitioner to the Outpatient Treatment program for

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alcohol abuse, beginning 6 January 2003. Subsequently, Petitioner was diagnosed with a Personality Disorder Not Otherwise Specified, received a driving while intoxicated ticket while attempting to drive his vehicle on base, and was diagnosed as alcohol dependent. On 20 December 2002, he refused treatment and was recommended for administrative processing by reason of Personality Disorder, at which time he elected his right to consult with counsel and waived his right to have his case heard before an administrative discharge board. On 8 January 2003, correspondence from the [REDACTED] documents the murder of Petitioner's mother by her estranged boyfriend, his implacable attitude since learning his mother's murderer only received a seven-year sentence, and recommends Petitioner be expeditiously processed. On 22 January 2003, Petitioner was discharged with a General (Under Honorable Conditions) (GEN) characterization of service by reason of Personality Disorder.

c. Petitioner contends, (1) his discharge was based on a personal family tragedy because his mother was murdered and he had to clean up pools of blood on the scene, (2) upon his return to the base he was sent to see a psychiatrist and prescribed medications which caused him to drink, (3) he feels his discharge was elevated as a result of this, (4) he was erroneously discharged, and (5) he should have received an Honorable characterization of service.

d. Petitioner did not provide documentation for purposes of clemency and equity consideration.

e. In connection with Petitioner's assertions that he incurred mental health concerns during military service, which might have mitigated his discharge characterization of service, the Board requested, and reviewed, an enclosure (3). The AO stated in pertinent part:

The Petitioner contends that his behaviors were a result of having responded to the murder of his mother. His records do corroborate this event, and note that this was the impetus for seeking Mental Health treatment. It is plausible that the behaviors observed which resulted in a Personality Disorder diagnosis were in fact due to either the trauma of seeing his mother murdered and/or bereavement. Furthermore, alcohol use/abuse is a common comorbid symptom of both trauma and bereavement.

The AO concluded, "it is my clinical opinion there is sufficient evidence of a mental health condition that was worsened by military service. There is sufficient evidence that his observed behaviors could have been the result of trauma and/or bereavement, rather than a Personality Disorder."

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants full relief. Specifically, with regard to Petitioner's request that his discharge be upgraded, the Board noted Petitioner's misconduct and does not condone his actions. However, in light of references (b) through (e), after reviewing the record holistically, given the totality of the circumstances, and as a matter of clemency, the Board concluded Petitioner's discharge characterization should be upgraded to "Honorable." In making this

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finding, the Board concurred with the AO that there is sufficient evidence that his observed behaviors could have been the result of trauma and/or bereavement, rather than a Personality Disorder.

Additionally, in keeping with the letter and spirit of references (b) through (e), 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.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned reentry code remains appropriate in light of the underlying reason for his separation. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 and discharge certificate, for the period ending 22 January 2003, indicating his character of service as "Honorable," the narrative reason for separation as "Secretarial Authority," the separation authority as "MARCORSEPMAN par 6214," and the separation code as "JFF1."

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 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.

11/19/2023

