



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

[REDACTED]  
Docket No. 3452-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],  
XXX XX [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 (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 upgrade his characterization of service based on clemency per reference (b).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 1 May 2023, 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 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

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 interests of justice to review the application on its merits.

c. The Petitioner enlisted in the United States Marine Corps and began a period of active service on 7 November 2005. He originally submitted to MEPS screening on 7 October 2003, but Petitioner asserts that he lied about mental health issues to fail the screening because he felt pressured to join the military. Upon resubmitting to MEPS screening in 2005, he submitted a

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letter from his father and his physician that stated that Petitioner did not have a history of mental health issues.

d. From 31 March 2006 to 6 April 2006, Petitioner received in-patient mental health treatment at the Abilene Psychiatric Center (civilian facility). He was diagnosed with Bipolar Disorder (NOS) and Personality Disorder (NOS).

e. From 4 April 2006 to 9 May 2006, Petitioner was absent from his unit without authorization. From 19 May 2006 to 6 June 2006, Petitioner was again absent from his unit without authorization.

f. From 3 June 2006 to 7 June 2006, Petitioner received in-patient mental health treatment at the [REDACTED], Mental Health Department. He was diagnosed with Personality Disorder (NOS) with antisocial and borderline traits, and an overdose of Coricidin. The treating physician deemed Petitioner fit for duty and recommended residential treatment and immediate administrative separation (ADSEP) processing.

g. On 21 June 2006, Petitioner was referred to substance abuse screening but refused screening and evaluation. The Director of the Consolidated Substance Abuse Counseling Center recommended that the Petitioner be processed for ADSEP.

h. On 2 August 2006, Petitioner was discharged from the Marine Corps with a General (Under Honorable Conditions) (GEN) characterization of service and assigned an RE-3P reenlistment code. The Board specifically noted on Petitioner's DD Form 214 that the narrative reason for separation was "Personality Disorder" with a separation code of "JFX1."

i. Petitioner requests a discharge upgrade based on clemency, per reference (b), due to his post-service accomplishments, to include education successes. The Board noted Petitioner is currently incarcerated for a felony conviction.

#### CONCLUSION:

Upon review and liberal consideration of all the evidence of record, the Board concluded that 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.

Notwithstanding the corrective action recommended above, the Board was not willing to grant an upgrade to an Honorable discharge. The Board gave liberal and special consideration to Petitioner's record of service and how mental health concerns may have impacted his behavior. However, The Board also determined that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should otherwise not be held

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accountable for his actions. The Board highlighted that an Honorable discharge was appropriate only if the Marine's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. In this case, the Board concluded that significant negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record. They noted that even under the liberal consideration standards for mental health conditions, and that even though flawless service is not required for an Honorable discharge, a GEN discharge is still the appropriate characterization in this case considering the Petitioner's substantial periods of unauthorized absence during his service. The Board also did not feel that there was sufficient evidence of post-service accomplishments that would warrant clemency, especially considering that Petitioner is currently incarcerated on a felony conviction.

Further, the Board was not willing to grant a change to the reenlistment code. The Board gave liberal and special consideration to Petitioner's record of service, however, in light of the Petitioner's health concerns, the issued RE-3P reenlistment code remains proper in this case.

RECOMMENDATION:

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

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) that shows that on 2 August 2006, his narrative reason for separation was "Secretarial Authority," his separation authority was "MARCORPSEPMAN, Par 6012," and his separation code was "JFF1."

That no further changes be made to the record.

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.

5/10/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]