



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

██████████
Docket No. 8150-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████ USMC

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

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, hereinafter referred to as the Board, requesting that his record be changed to upgrade his character of service.

2. The Board, consisting of ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 15 December 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, applicable statutes, regulations, and 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 commenced a period of active duty on 26 January 1973. Petitioner served without incident until 12 May 1973. After that day, Petitioner went on two periods of unauthorized absence (UA) totaling 63 days. Upon his return, Petitioner underwent a medical evaluation and was diagnosed with Immature personality disorder, chronic, severe, EPTE (exiting prior to entry). As a result of the foregoing diagnosis, he was medically recommended for administrative separation. Petitioner was notified of the initiation of administrative separation proceedings for unsuitability, due to character and behavior disorder, at which point, he waived making a statement. Petitioner's Commanding

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Officer and the Commanding General recommended Petitioner's discharge due to Petitioner's unsatisfactory performance, and repeated disciplinary infractions. Consequently, Petitioner was discharged, on 19 October 1973, with a General (Under Honorable Conditions) character of service due to Unsuitability. The Separation Authority listed on Petitioner DD Form 214 indicates Petitioner's unsuitability of character or behavior disorder.

d. Petitioner requests to upgrade of his character of service to Honorable.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. In keeping with the letter and spirit of current guidance, 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 reason for separation nor his separation code 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.

In regard to Petitioner's request to upgrade his character of service, the Board noted no relevant evidence to adjust Petitioner's character of service. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with reference (b). These included, but were not limited to, Petitioner's desire for a discharge upgrade. After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his periods of UA, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and found that his conduct showed a complete disregard for military authority and regulations. Further, the Board noted Petitioner failed to provide evidence to support his request as a matter of clemency. Therefore, the Board relied heavily on the recommendation by the Petitioner's chain of command, and concluded no change is warranted to Petitioner's character of service. Additionally, the Board concluded that Petitioner's assigned reentry code remains appropriate in light of his record of misconduct and unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 19 October 1973, indicating the Separation reason of "Secretarial Authority," under the authority of "MARCORPSEPMAN 6214," with a SPD code of "JFF1."

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

A copy of this report of proceedings be filed in Petitioner's naval record.

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[REDACTED] USMC

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.

1/11/2024

