



Subj: REVIEW NAVAL RECORD OF [REDACTED]  
[REDACTED]

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, the statute of limitation was waived in accordance with the Kurta Memo.

c. Petitioner entered active duty with the Marine Corps on 16 March 1970. On 11 September 1970 and 29 October 1970, he received non-judicial punishment (NJP) for two specifications of unauthorized absence (UA) totaling 12 days. On 30 November 1970, Petitioner was formerly counseled on receiving a letter of indebtedness from a local financial corporation. On 15 December 1970, he received NJP for disobeying a lawful order and disrespectful in language toward a non-commissioned officer (NCO). On 8 February 1971 and 8 March 1971, he received NJP for two specifications of disobeying a lawful order, incapacitated for the performance of duty, absence from appointed place of duty, and failure to obey a lawful order. On 9 March 1971, he was formerly counseled on the possibility of receiving an administrative discharge by reason of unfitness due to frequent involvement and alcoholism. On 17 March 1971, Petitioner received a psychological evaluation, which diagnosed him with a personality disorder and alcoholism that existed prior to enlistment. On 18 March 1971, he received NJP for breaking restriction. Subsequently, Petitioner was notified of pending administrative separation action by reason of unsuitability due to alcoholism. After waiving his rights, Petitioner's commanding officer (CO) forwarded his package to the separation authority (SA) recommending his discharge with a General (Under Honorable Conditions) (GEN) characterization of service. The SA approved the CO's recommendation and directed a GEN characterization of service by reason of unsuitability due to alcoholism. On 6 May 1971, Petitioner was so discharged.

d. In his application, Petitioner asserts that he incurred Post Traumatic Stress Disorder (PTSD) during military service due to his immaturity and suffering from alcohol abuse, which may have mitigated the circumstances of his separation.

e. Based on Petitioner's assertion of a PTSD, enclosure (4) was requested and reviewed. It stated in pertinent part:

That Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated on two occasions. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service.

He was also diagnosed with an alcohol use disorder, existing prior to enlistment. Problematic alcohol use is incompatible with military readiness and discipline and

Subj: REVIEW NAVAL RECORD OF [REDACTED]  
[REDACTED]

does not remove responsibility for behavior. Unfortunately, he has provided no medical evidence to support his claims of PTSD.

His in-service misconduct appears to be consistent with his alcohol use disorder, that was preexisting to military service and continued during military service. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion there is insufficient evidence from of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence to attribute his misconduct to PTSD or another mental health condition other than alcohol use disorder."

#### 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 the Hagel, Kurta, and Wilkie Memos, the Board determined that it would be an injustice to continue to characterize Petitioner narrative reason for separation as "Unsuitability Alcoholism." 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 certain remedial administrative changes are warranted to his DD Form 214.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. Based on Petitioner's six NJPs during a period of service lasting approximately 14 months, the Board determined that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record, even under the liberal consideration standards for mental health conditions, and that a GEN discharge characterization and no higher was appropriate.

Finally, the Board concluded that Petitioner's reentry code, separation code, and separation authority remain appropriate based on his unsuitability for further military service. Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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 (DD Form 214) that shows that, on 6 May 1971, his narrative reason for separation was "Secretarial Plenary

Subj: REVIEW NAVAL RECORD OF [REDACTED]  
[REDACTED] C

Authority.”

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 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.

5/30/2024

