



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

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Docket No. 9960-23
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 11 January 2024. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies.

A review of your record revealed that you enlisted in the Marine Corps and commenced active duty on 9 August 2021. On 12 January 2022, you were reviewed by a psychologist, who explained that you were “administered a psychological screening, a clinical interview and records review were also conducted.” Thereafter, a medical professional diagnosed you with Adjustment Disorder with depressed mood and recommended that you be recommended for administrative separation. The recommendation for your administrative separation explained that, you were “not amenable to treatment in the military medical system, as his [sic] conditions are chronic in nature; thus she represents a serious ongoing threat to herself and others, if retained on active duty.” The recommendation further explained that you were “not considered to be mentally ill (not ratable by a Physical Evaluation Board), but rather manifests a longstanding disorder which is of such severity as to render her unsuitable for continued military service in the USMC.”

On 26 January 2022, you were notified of the initial of administrative separation processing, which is less than 180 days from the date of your entry into service. On 11 February 2022, the separation authority directed your discharge, explaining, “I certify that the respondent has no combat service or deployment history, has not been diagnosed with PTSD, other mental disorder

or TBI, and has not made an allegation of service related sexual assault based upon available records.” You were discharged, on 22 February 2022, with an uncharacterized entry-level separation.

In your petition, you request that your discharge upgraded to a “medical under honorable conditions.” In support of your request, you assert that you spent six months and fourteen days in service and 180 days is the cutoff for an uncharacterized separation to a regular discharge.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and it disagreed with your rationale for relief. In reaching its decision, the Board observed that Paragraph 1002.26 of the Marine Corps Separation and Retirement Manual, (Marine Corps Order 1900.16 CH 2 (15 Sep 19)), provides that “[f]or the purposes of characterization of service or description of separation, the Marine’s status is determined by the date of notification as to the initiation of separation proceedings [emphasis added].” In your case, you were notified of separation processing within 180 days of your commencement of service. Therefore, the Board determined you were appropriately assigned an uncharacterized entry-level separation. While there are exceptions to this policy in cases involving extraordinary performance or misconduct, the Board determined neither exception applies in your case.

Further, the Board determined insufficient evidence exists that you qualify for a disability discharge. As explained, the contemporaneous medical documentation that recommended your discharge explained that your condition was not ratable by a Physical Evaluation Board. Therefore, the Board determined you were properly processed for an entry-level separation based on your diagnosis. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

2/5/2024

