



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

██████████
Docket No. 10788-23
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER ██████████
XXX XX ██████████ USMC

Ref: (a) 10 U.S.C. 1552
(b) Under Secretary of Defense for Personnel and Readiness memorandum regarding equity, injustice, or clemency determinations dated 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting a change to his naval record, specifically, to change his General (Under Honorable Conditions) (GEN) characterization of service to Honorable. He also implied and requested that his Narrative Reason for Separation "Personality Disorder" be changed. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 6 March 2024 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, naval records, and applicable statutes, regulations, and policies.

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 waive the statute limitation and review the application on its merits.

c. Petitioner enlisted in the Marine Corps and entered active duty on 1 December 1998. On 18 March 1999, he received a psychological evaluation, which diagnosed him with a Panic Disorder, and a Personality Disorder that existed prior to enlistment (EPTE). On 26 March 1999, he was formerly counseled on being diagnosed with a Personality Disorder.

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d. As a result of his diagnosis, he was notified of pending administrative separation action by reason of a personality disorder. After he waived his rights, his commanding officer (CO) forwarded the separation package to the separation authority (SA) recommending an uncharacterized characterization of service due to a personality disorder. The SA approved the recommendation and, on 19 May 1999, he was so discharged.

CONCLUSION:

Upon review and consideration of all the evidence of record, especially in light of reference (b), the Board concludes that Petitioner's request warrants partial favorable action.

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 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 corrective action recommended below, the Board determined Petitioner's characterization of service remains appropriate based on his (diagnosis) record. The Board noted that service regulations direct that members discharged within their first 180 days of active duty service be assigned an uncharacterized entry-level separation. While there are exceptions to this policy for misconduct or exceptional performance, the Board determined that neither apply in Petitioner's case. The Board concluded by opining that certain negative aspects of the Petitioner's record and/or performance outweighed the positive aspects of his military record even under the liberal consideration standards for mental health conditions, and that an uncharacterized discharge characterization and no higher was appropriate. In addition, the Board also concluded that Petitioner remains unsuitable for further military service and his assigned reentry code of RE-3P remains appropriate.

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action. The Board was sympathetic to the Petitioner medical condition and his desire to change his Characterization of Service. However, the Board concluded that these factors were not sufficient to warrant relief given his diagnosis.

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

RECOMMENDATION:

That Petitioner's naval record shall be corrected by changing the narrative reason for separation to "Secretarial Authority", SPD code as "JFF", and separation authority as "MARCORSEPMAN 6214."

That Petitioner is issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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That no further changes be made to the 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.

3/18/2024

