



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

█  
Docket No. 1440-24

Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. §1552  
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)  
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)  
(d) USECDEF Memo of 25 Aug 2017 (Kurta Memo)  
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments  
(2) Naval record (excerpts)  
(3) Advisory opinion of 22 Jul 24

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 for an upgrade of her characterization of service.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 18 September 2024 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 references (b) through (e). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional. Although Petitioner was provided an opportunity to respond to the AO, she chose not to do so.

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 regulation 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 enlisted in the Marine Corps and began a period of active duty on 8 August 1989.

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d. On 18 December 1990, Petitioner received a mental health evaluation and was subsequently diagnosed with adjustment disorder with depressed mood and found fit for duty.

e. On 9 January 1991, Petitioner was issued an administrative remarks (Page 11) counseling concerning her uniform appearance when reporting for duty and several instances of failure to maintain sufficient funds in her checking account, causing the Section Leader to become actively involved in getting the matter corrected.

f. On 11 March 1991, Petitioner was issued a second Page 11 counseling concerning her failure to maintain sufficient funds into her checking account.

g. On 19 April 1991, Petitioner received non-judicial punishment (NJP) for absence from appointed place of duty.

h. On 25 May 1991, Petitioner received NJP for five specifications of failure to go to appointed place of duty and failure to obey a direct order.

i. On 9 August 1991, Petitioner received NJP for wrongfully obtaining telephone services under false pretenses and failure to pay just debt.

j. Unfortunately, the documents pertinent to Petitioner's administrative separation are not in her official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214), she was separated from the Marine Corps, on 10 January 1992, with a "General Under Honorable Conditions" (GEN) characterization of service, her narrative reason for separation is "Misconduct Due to A Pattern of Misconduct (w/Administrative Discharge Board)," his reenlistment code is "RE-4," and his separation code is "GKA1," which corresponds to misconduct due to pattern of misconduct.

k. Petitioner contends the following injustices warranting relief:

(1) She was discharged without due process;

(2) She was not given a real reason for her discharge;

(3) She was informed that it would be better for her career to be discharged;

(4) She discovered many years later that she was discharged prematurely under false pretenses; and

(5) There were unnecessary things done towards her and was constantly placed on restriction for things that she was unlawfully charged for.

l. For purposes of clemency and equity consideration, the Board noted Petitioner provided a personal statement.

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XXX XX [REDACTED] [REDACTED] USMC

m. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and the available records and provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

There is evidence that she was diagnosed with a mental health condition in military service. These mental health concerns were attributed to maladaptive responses to personal and professional stressors. There is no evidence of a diagnosis of PTSD, and she has provided no additional medical evidence to support her claims. Unfortunately, it is difficult to attribute her behavior to a mental health condition, because she states that she did not engage in the behavior but that it was due to poor communication by her leadership, retaliation, and discrimination based on gender. Additionally, financial mismanagement, obtaining telephone services under false pretenses, and naiveté are not typical symptoms of a mental health condition. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to her misconduct) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion there is in-service evidence of a mental health condition that may be attributed to military service. There is insufficient evidence of a diagnosis of PTSD. There is insufficient evidence to attribute her misconduct [to PTSD]."

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief in the interests of justice.

Although not specifically requested, in keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, reviewing the record liberally and holistically, given the totality of the circumstances, and purely as a matter of clemency, the Board determined Petitioner's narrative reason for separation and separation code should be changed to Secretarial Authority. In making this finding, the Board took into consideration the AO that there is in-service evidence of a mental health condition that may be attributed to military service.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned characterization of service and reentry code remain appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with references (b) through (e). These included, but were not limited to, Petitioner's desire to upgrade her discharge character of service and the previously mentioned contentions raised by Petitioner in her application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant the requested relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by her NJPs and multiple counselings, outweighed these mitigating factors. The Board concluded, Petitioner's record reflected misconduct and behavior which clearly rendered Petitioner a burden to her command and likely adversely impacted the Marines with whom she served. Further, the Board concurred with the AO that, while there is in-service evidence of a mental health condition that may be attributed to military service, there is insufficient evidence

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of a diagnosis of PTSD to attribute her misconduct. The Board further noted Petitioner was assigned a GEN characterization despite the severity and pervasive nature of her misconduct. Therefore, the Board concluded she already received a large measure of clemency from her unit.

As a result, the Board concluded significant negative aspects of Petitioner's active service outweighs the positive aspects and continues to warrant a GEN characterization and RE-4 reentry code. While the Board carefully considered the evidence Petitioner submitted in mitigation, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief she requested or granting the requested relief as a matter of clemency or equity. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

#### RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, on 10 January 1992, Petitioner's narrative reason for separation was "Determination of Service Secretary – Secretary of the Navy Plenary Authority," the SPD code assigned was "JFF1," and the separation authority was "MARCORSEPMAN Par 6214."

That no further correction action be taken on Petitioner's naval record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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.

10/2/2024

