



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

█  
Docket No. 1747-24

Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552  
(b) SECDEF Memo, 3 Sep 14 (Hagel Memo)  
(c) PDUSD Memo, 24 Feb 16 (Carson Memo)  
(d) USD Memo, 25 Aug 17 (Kurta Memo)  
(e) USECDEF Memo, 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

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 a correction to his characterization of service on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosure (2) applies.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 28 June 2024, and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies including 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, 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 26 February 1990. Upon his enlistment, Petitioner received a moral waiver and admitted preservice violations for speeding and driving without a license. On 18 June 1990, Petitioner was counseled

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concerning his psychiatric diagnosis of Adjustment Disorder with Depressed Mood, Emotional Problems, Dependent Personality Disorder, history of Lower Back Pain, stress routine military service due to separation from mother, and level of functioning causing him to be unfitted for duty. Subsequently, Petitioner was notified of the initiation of administrative separation proceedings by reason of personality disorder. Petitioner decided to waive his procedural rights and his commanding officer recommended that he be administratively separated from the Marine Corps with an uncharacterized characterization of service by reason of condition, not a disability, personality disorder. The separation authority approved the recommendation and Petitioner was so discharged on 18 July 1990.

d. Petitioner contends he was trying to do better. He also states he was trying to do it on his own. Additionally, Petitioner checked the "PTSD" and "Other Mental Health" boxes on his application but chose not to respond to the Board's request for supporting evidence of his claims. For purposes of clemency and equity consideration, the Board noted Petitioner did not provide documentation describing post-service accomplishments or advocacy letters.

#### CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, 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.

Regarding Petitioner's request for a discharge upgrade, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, his previously mentioned contentions. After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board determined Petitioner's assigned uncharacterized entry level separation remains appropriate. Service regulations direct the assignment of an uncharacterized entry level separation for service members processed for separation within their first 180 days of active duty. While there are exceptions to policy, the Board determined none of the exceptions applied in Petitioner's case.

Finally, the Board determined Petitioner's assigned reentry code also remains appropriate based on his unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action. Therefore, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner any additional relief or granting additional relief as a matter of clemency or equity.

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RECOMMENDATION:

That Petitioner be issued a new DD Form 214, for the period ending 18 July 1990, indicating his narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF1," and the separation authority was "MARCORPSEPMAN 6214."

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

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.

7/22/2024

