



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

█
Docket No. 6131-24

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

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

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (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), Petitioner, a former member of the Marine Corps, filed enclosure (1) requesting his characterization of service be upgraded on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 28 October 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, and applicable statutes, regulations, and policies, to include 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, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active service on 27 June 1994.

d. On 5 July 1995, Petitioner received non-judicial punishment (NJP) for two specifications of unauthorized absence (UA) from 31 May 1995 to 2 June 1995 and 26 June 1995 to 27 June

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX XX [REDACTED] USMC

1995. On 5 September 1995, Petitioner commenced a period of UA that ended in his surrender on 3 October 1995.

e. On 22 November 1995, Petitioner received a psychiatric evaluation and was diagnosed with borderline personality disorder (BPD) with schizoid features; a condition that existed prior to enlistment. Petitioner was recommended for immediate processing for administrative discharge based on his behavior and BPD diagnosis.

f. On 22 December 1995, Petitioner received NJP for UA from 5 September 1995 to 3 October 1995. On 7 January 1996, Petitioner was notified of administrative separation processing by reason of convenience of the government due to a personality disorder with a least favorable characterization of service of General (Under Honorable Conditions) (GEN). Petitioner consulted with counsel and declined to submit a rebuttal statement to the separation authority. His commanding officer recommended separation with a GEN characterization of service. The separation authority concurred and, on 5 March 1996, he was so discharged.

g. Petitioner contends that he did not want to join the military, was forced to do so by his father, deserves veterans' benefits and a VA loan, and that an upgrade would improve his mental health. Additionally, Petitioner checked the "Other Mental Health" box on his application but chose not to respond to the 6 June 2024 letter from the Board requesting evidence in support of his claim. For the purpose of clemency and equity consideration, Petitioner did not provide advocacy letters or documentation of post-service accomplishment.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of current guidance, 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 recommended corrective action below, the Board was not willing to grant Petitioner an upgrade to an Honorable discharge. After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant an upgrade in characterization of service. Specifically, the Board determined that his misconduct, as evidenced by his NJPs, outweighed these mitigating factors. The Board considered the likely negative impact Petitioner's repeated misconduct had on the good order and discipline of his command. Additionally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX XX [REDACTED] USMC

Therefore, even in light of reference (b) and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity.

Finally, the Board determined that Petitioner's assigned reentry code also remains appropriate in light of his unsuitability for further military service.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION

That Petitioner be issued a new DD Form 214 indicating, for the period ending 5 March 1996, his separation authority as "MARCORSEPMAN 6214," separation code as "JFF1," narrative reason for separation as "Secretarial Authority."

That no further changes be made to Petitioner's 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.

11/18/2024

