



[REDACTED]

[REDACTED]

[REDACTED]

You enlisted in the Marine Corps and began a period of active duty on 28 July 1980. On 10 December 1980, you received non-judicial punishment (NJP) for failure to go at the time prescribed to your appointed place of duty. On 30 January 1984, you received your second NJP for two specifications of failure to go at the time prescribed to your appointed place of duty and two specifications of failure to obey a lawful order. On 2 February 1984, you were referred to medical due to suicidal ideations. On 3 February 1984, you were issued an administrative remarks (Page 11) counseling concerning your frequent involvement of a discreditable nature

with military authorities. The Page 11 expressly advised you that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 15 February 1984, you commenced a period of unauthorized absence that subsequently concluded upon your surrender to military authorities on 9 April 1984; a period totaling 54 days. On 15 April 1984, you received a mental health evaluation and subsequently diagnosed with passive-dependent personality disorder.

Subsequently, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of misconduct due to pattern of misconduct. You were informed that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions. You waived your right to consult with counsel and to present your case to an administrative discharge board. The commanding officer forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Marine Corps with an Other Than Honorable (OTH) characterization of service. The separation authority directed your OTH discharge from the Marine Corps by reason of misconduct due to pattern of misconduct and you were so discharged on 22 May 1984.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to upgrade your discharge character of service and contentions that: (1) you were told that you would receive a General (Under Honorable Conditions) character of service but your First Sergeant decided otherwise because you “pissed” her off, (2) you had a breakdown due to post-traumatic stress disorder (PTSD) and did not receive any help during this time, and (3) you were offered an OTH discharge and was told that your discharge would be automatically upgraded after six months. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

As part of the Board’s review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 10 October 2024. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated, including during an inpatient hospitalization. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluations performed by the mental health clinicians. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. Unfortunately, he has provided no medical evidence to support his claims. His in-service misconduct appears to be consistent with his diagnosed personality disorder, rather than evidence of PTSD or another mental health condition incurred in or exacerbated by military service. Additional records (e.g., post-service mental health records describing the Petitioner’s diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, “it is my clinical opinion that there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence to attribute his misconduct to PTSD or another mental health condition, other than personality disorder.”

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and extended period of UA, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct showed a complete disregard for military authority and regulations. The Board also considered the likely negative impact your conduct had on the good order and discipline of your unit. Further, the Board concurred with the AO that there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service, and there is insufficient evidence to attribute your misconduct to PTSD or another mental health condition, other than personality disorder. As the AO explained, your in-service misconduct appears to be consistent with your diagnosed personality disorder, rather than evidence of PTSD or another mental health condition incurred in or exacerbated by military service. Therefore, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should otherwise not be held accountable for your actions and were properly discharged based on your misconduct. Furthermore, the Board noted that you were provided multiple opportunities to correct your conduct deficiencies during your service; however, you continued to commit additional misconduct. Finally, the Board observed that you provided no evidence, other than your statement, to substantiate your contentions. Regardless, the Board noted that there is no provision of federal law or in Marine Corps regulations that allows for a discharge to be automatically upgraded after a specified number of months or years.

As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. 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 you the relief you requested or granting relief as a matter of clemency or equity. 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,

1/6/2025

