



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

[REDACTED]
Docket No. 8130-24
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)
(c) USECDEF Memo of 25 Aug 17 (Kurta Memo)
(d) SECDEF Memo of 13 Sep 14 (Hagel Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion, 7 Apr 25

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps Reserves, filed enclosure (1) requesting upgrade of his discharge and change his narrative reason for separation to Secretarial Authority, with corresponding changes to his separation and reentry codes. Enclosures (1) and (2) apply.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 26 September 2025 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 references (b) through (d). Additionally, the Board considered enclosure (4), an advisory opinion (AO) furnished by qualified mental health provider, and Petitioner's response to the AO.
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.

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c. Petitioner enlisted in the Marine Corps and began a period of active duty on 31 January 2000. As part of the enlistment process, Petitioner was granted a prior to service drug waiver for past use of Ecstasy. He additionally signed the Statement of Understanding Marine Corps Policy Concerning Illegal Use of Drugs on 6 January 2000.

d. Between 28 September 2001 and 7 January 2002, Petitioner was deployed to [REDACTED] in support of [REDACTED]. Between 11 October 2003 and 26 October 2003, he was deployed to [REDACTED] in support of [REDACTED]. Between 22 August 2003 and 8 March 2004, he was deployed to [REDACTED] and [REDACTED] in support of [REDACTED].

e. On 22 January 2004, Petitioner was honorably discharged followed by immediate reenlistment.

f. In August 2004, Petitioner was convicted in civilian court for Driving Under the Influence (DUI), and sentenced to six months of DUI education classes, 24 days of community service, and a \$1500 fine.

g. Between 4 and 20 January 2005, Petitioner was deployed to [REDACTED] in support of [REDACTED]. Between 4 March and 11 April 2005, he was deployed, again, to [REDACTED] and [REDACTED] in support of [REDACTED].

h. On 24 October 2005, Petitioner commenced a period of unauthorized absence (UA) ended by apprehension on 2 December 2005. On 7 December 2005, he was apprehended for domestic violence (DV) by the [REDACTED] Sheriff's Department.

i. On 25 January 2006, Petitioner was issued an administrative remarks (Page 11) counseling concerning deficiencies in his performance and/or conduct related to his illegal use of methamphetamine as evidenced by a positive urinalysis. Consequently, on 2 February 2006, he was convicted at Special Court Martial (SPCM) of violating Article 112a of the Uniform Code of Military Justice (UCMJ) for illegal use of methamphetamine, as evidenced by a positive urinalysis, and sentenced to confinement for 89 days, reduction to paygrade E2, and forfeiture of \$500 pay per month for three months.

j. On 22 February 2006, Petitioner was issued an Page 11 counseling concerning deficiencies in his performance and/or conduct related to his DV arrests, DUI conviction, SPCM conviction, and revocation of base driving privileges. The following day he was issued an addition Page 11 counseling concerning deficiencies in his performance and/or conduct related to two violations of a Military Protective Order and Temporary Restraining Order for attempting to contact his wife. On 30 March 2006, a deserter/absentee notice was issued concerning Petitioner and including civilian charges pending against him, yet to be adjudicated, related to DV.

k. On 21 June 2006, Petitioner was convicted at SPCM of violating Article 86 of the UCMJ, and sentenced to confinement for a period of 50 days, reduction to paygrade E1, and a Bad Conduct Discharge (BCD).

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1. On 28 June 2006, Petitioner completed a pre-separation medical assessment indicating he had questions and/or concerns about his mental health. The doctor noted: "PTSD possible. Evaluation pending."

m. On 31 August 2006, Petitioner was placed an appellate leave pending review of his conviction and sentence. On 7 November 2006, while on appellate leave, he sought treatment from the [REDACTED] at [REDACTED] resulting in a diagnosis of chronic PTSD and prescription for Wellbutrin.

n. On 13 March 2007, Petitioner's second SPCM sentence was affirmed and his BCD ordered executed. He was so discharged on 16 March 2007. Upon his discharge, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate his period of continuous Honorable service for the period of 31 January 2000 through 22 January 2004.

o. Petitioner contends his discharge is unjust because, in order to manage his extreme stress upon return from Iraq, he attempted to self-medicate with alcohol and other substances, and began engaging in increasingly risky and self-destructive behavior. He further contended, the misconduct leading to his BCD was directly related to, and mitigated by, severe PTSD, making liberal consideration and full relief appropriate. He additionally contended clemency is appropriate in his case due to his meritorious contributions during combat and decision to re-enlist, and, without asking the Board to condone his misconduct, he asked the Board to grant relief as a matter of fundamental fairness. He stated he risked his life for his country, and now lives with PTSD and survivor's guilt, both of which he is working hard to manage with proper treatment. He lastly contended he has been punished enough. In support of his application, he provided a legal brief with exhibits, including his personal statement, service and medical record documents, a Department of Veterans Affairs (VA) decision document, mental health records from a civilian provider, letters from [REDACTED] and [REDACTED], a PhD, and an advocacy letter from a Marine who served with him.

p. As part of the Board's review, the Board considered enclosure (4). The AO states in pertinent part:

The Petitioner was diagnosed with PTSD in service. It is probable that he also manifested substance abuse/dependence. Methamphetamine use is an interesting choice considering anxiety symptoms associated with PTSD, as methamphetamine would like exacerbate anxiety symptoms that are common with PTSD. The Petitioner submitted post-service evidence of PTSD, Generalized Anxiety Disorder, ADHD, Major Depressive Disorder, Alcohol Use Disorder, and Antisocial Personality Disorder. The nature, pervasiveness and severity of his misconduct supersede that which would be expected to be caused by PTSD alone. His misconduct is synonymous with Antisocial Personality Disorder, which was likely worsened by stimulant abuse, and PTSD symptoms. Repetitive assault and continuous ongoing periods of UA were more likely due to his Personality Disorder, whereas shorter periods of UA and DUI caused by exacerbated drinking may have been mitigated by PTSD symptoms. Additional records (e.g., active duty

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medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) would aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is sufficient evidence of a mental health condition that existed in service. There is also evidence of Antisocial Personality Disorder. There is insufficient evidence that his more serious misconduct (three specifications of assault, failure to appear, and extensive periods of UA) were caused by PTSD. There is sufficient evidence that shorter periods of UA and DUI could have been mitigated by PTSD symptoms."

CONCLUSION

Upon liberal review of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief.

In keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, and without condoning Petitioner's misconduct, the Board viewed the evidence in the light most favorable to the Petitioner, and concluded some aspects of his misconduct could be mitigated by his in-service diagnosis of PTSD. The Board concluded Petitioner's mental health-related condition and/or symptoms were possible causative factors in the misconduct contributing to his court-martial conviction and discharge, and were not outweighed by the severity of his misconduct. With that being determined, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner's service by a BCD, and that a discharge upgrade to General (Under Honorable Conditions) (GEN) and no higher is now appropriate.

Notwithstanding the recommended corrective action below, the Board was not willing to grant a full upgrade to an Honorable discharge. The Board noted the serious and varied nature of Petitioner's misconduct, and did not believe his record was otherwise so meritorious to deserve an Honorable discharge. The Board concluded that significant negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record even under the liberal consideration standard for mental health conditions. The Board believed that, even though flawless service is not required for an honorable discharge, in this case a GEN discharge and no higher was appropriate. The Board also concluded that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should not be held accountable for his actions.

Additionally, in light of the Wilkie Memo, the Board similarly concluded after reviewing the record holistically, and given the totality of the circumstances and purely as a matter of clemency, that Petitioner only merits a GEN characterization of service and no higher.

Further, the Board concluded that certain conforming changes to Petitioner's DD Form 214 consistent with a narrative reason of "Secretarial Authority" were warranted in conjunction with the discharge upgrade. The Board additionally concluded Petitioner was originally assigned the correct reentry code based on the totality of his circumstances, and that such reentry code was proper and in compliance with all Navy directives and policy at the time of his discharge.

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Lastly, the Board noted Petitioner's period of continuous Honorable service for the period of 31 January 2000 through 22 January 2004 was not reflected in block 18 of his DD Form 214 and requires correction.

RECOMMENDATION

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

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 16 March 2007, indicating he was discharged with a "General (Under Honorable Conditions)" characterization of service, a separation authority of "MARCORSEPMAN 6214," separation code of "JFF1," and narrative reason for separation of "Secretarial Authority."

That the language "Continuous Honorable service for the period of 31 Jan 00 – 22 Jan 04," be added to block 18 of his DD Form 214.

A copy of this report of proceedings will be filed in Petitioner's naval record.

That no further changes be made to Petitioner's 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.

11/18/2025

