



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

██████████
Docket No. 9003-24
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) 10 U.S.C. § 1552
(b) USD Memo, "Clarifying Guidance to Military Discharge Review Boards and Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment," of 25 August 2017
(c) USD Memo, "Clarifying Guidance to Boards for Correction of Military/Naval Records Considering Cases Involving Both Liberal Consideration Discharge Relief Requests and Fitness Determinations," of 4 April 2024
(d) Official Military Personnel File (OMPF)
(e) President, Physical Evaluation Board, email of 8 April 2025

Encl: (1) DD Form 149 w/enclosures
(2) Physician Advisor Memo, subj: Advisory Opinion ICO [Petitioner], 4 April 2025
(3) ██████████ Memo, subj: Discharge Characterization Change, ██████████
██████████

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 permanent medical retirement with at least 30% disability and backpay dating back to the appropriate effective date of his medical retirement.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 10 April 2025 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 naval records, and applicable statutes, regulations, and policies, to include references (b) and (c), the 25 August 2017 guidance from the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) (Kurta Memo) and the 4 April 2024 guidance from the USD (P&R) regarding review of cases involving both liberal consideration discharge relief requests and fitness determinations (Vazirani Memo); hereinafter collectively referred to as the Clarifying Guidance. In addition, the Board considered enclosure (2), an advisory opinion from a Physician Advisor, that was considered favorable toward Petitioner.

3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, finds as follows:

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

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy. Although Petitioner's application was not filed in a timely manner, the Board waived the statute of limitations and considered the case on its merits pursuant to the provisions of reference (b).

b. The Board adopted the detailed discussion of Petitioner's medical appointments and hospitalizations as thoroughly discussed in enclosure (2). The Board specifically noted Petitioner was diagnosed with Adjustment Disorder during his initial evaluation in January 2011 and this diagnosis remained unchanged during his active service. After his hospitalization from 15-17 February 2011, administrative separation for the behavioral condition was strongly recommended by Petitioner's medical provider.

c. A review of reference (d), revealed he was issued an Administrative Remarks (Page 11) entry on 18 February 2011; counseling him regarding his Personality Disorder¹ diagnosis which rendered him unsuitable for continued service. The entry further advised him that due to having a behavioral condition that impaired his performance, but did not amount to a disability, he did not meet the criteria for a medical board.

d. Reference (d) further documents Commanding Officer [REDACTED], notified Petitioner of his intent to administratively separate Petitioner by reason of personality disorder. Petitioner acknowledged the notification, did not elect to include statements or consult counsel, but elected to obtain copies. The chain of command concurred with the recommendation for separation with a General (Under Honorable Conditions) (GEN) characterization. On 20 June 2011, the separation authority, approved the recommendation and directed Petitioner's discharge by reason of personality disorder, with a GEN characterization and assignment of a RE-3P reentry code. On 13 July 2011, Petitioner was so discharged.

e. Approximately two weeks after his discharge, Petitioner was admitted to the hospital for emergent intensive care treatment after being found unconscious on his apartment floor. Once resuscitated and stabilized, Petitioner reported he intentionally overdosed in an attempt to end his life. See enclosure (2).

f. On 27 January 2021, the Naval Discharge Review Board upgraded Petitioner's characterization of service to Honorable and changed his narrative reason for separation to "Condition, not a Disability" with a corresponding separation code of JFV1. See enclosure (3).

g. Petitioner contends he should have been medically retired because the evidence demonstrates he suffered from medical conditions that were unfitting on their own and, when viewed collectively, caused him to be unfit for duty. Specifically, Petitioner contends he was suffering from post-traumatic stress disorder (PTSD) in-service, which "qualifies him for liberal consideration," and the symptoms were interfering with his ability to reasonably perform his

¹ The Board noted the PG11 erroneously stated Petitioner's diagnosis as Personality Disorder. This error is carried through in the administrative separation processing documentation. The correct diagnosis was Adjustment Disorder. See enclosure (2).

duties. Additionally, he contends three other conditions² – knees, somatic symptom disorder, and tension headaches – were unfitting on their own and, when taken collectively, were disabling and unfitting.

h. The Physician Advisor's AO, at enclosure (2), determined that at the time of his administrative separation, Petitioner suffered from a mental health condition, specifically PTSD, that interfered with his ability to adequately carry out the responsibilities of his rank, rate, and specified duties. The AO specifically noted that Petitioner's in-service diagnosis of Adjustment Disorder with Depressed and Anxious Mood, coupled with repeated reports of hazing-related physical and emotional abuse and subsequent symptoms consistent with PTSD, likely represented the prodromal phase of the later fully diagnosed PTSD condition. That Petitioner nearly succeeded in taking his life within two weeks of discharge and was subsequently psychiatrically hospitalized for a more extended evaluation than his active duty psychiatric hospitalization, resulting in a diagnosis of PTSD, supports the severity of Petitioner's mental health condition at the time of separation.

i. Based on the AO's recommendation to refer Petitioner to the Physical Evaluation Board (PEB) for consideration of placement on the Permanent Disability Retired List (PDRL) for PTSD, the Board requested a review by the PEB. Based on reference (e), an email discussion with President, PEB, after his review of enclosure (2), the PEB recommended placement on the PDRL with a 100% disability rating.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. In keeping with the letter and spirit of the Clarifying Guidance, the Board gave liberal and special consideration to Petitioner's record of service and his contentions about any traumatic or stressful events experienced and their possible adverse impact on his service. In reaching its decision, the Board fully considered and applied the Clarifying Guidance.

Relying on the AO, the Board observed there is sufficient evidence that, at the time of Petitioner's discharge, he suffered from an unfitting condition, specifically PTSD, which interfered with his ability to adequately carry out the responsibilities of his rank, rate, and specified duties. Therefore, the Board determined it was in the interests of justice that Petitioner be retroactively placed on the PDRL, with a 100% disability rating for PTSD, effective upon his discharge.

RECOMMENDATION

In view of the above, the Board recommends the following corrective action be taken on Petitioner's naval record.

That Petitioner be placed on the PDRL, effective 14 July 2011, for the following condition:

² Having concluded Petitioner's PTSD warranted a 100% disability rating, which is the maximum rating, the Board did not consider the additional contentions regarding the knees, somatic symptom disorder, and tension headaches.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]

XXX XX [REDACTED] USMC

POST-TRAUMATIC STRESS DISORDER (stable), DC 9411, rated at 100%.
Not Combat Related (NCR), Non-Combat Zone (NCZ).

That Headquarters, U.S. Marine Corps (HQMC) issue a new DD Form 214 reflecting Petitioner's placement on the PDRL and any other corrections to Petitioner's DD Form 214 that reflects the Board's action.

That HQMC take all required actions to transfer Petitioner to the PDRL effective 14 July 2011.

The Defense Finance and Accounting Service shall audit Petitioner's pay account to determine amounts due, if any.

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.

4/28/2025

