



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

██████████
Docket No: 9015-24
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) SECDEF Memo of 3 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USD Memo of 25 Aug 17 (Kurta Memo)
(e) USECDEF Memo of 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 an upgrade to his discharge characterization of service.

2. The Board consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 13 January 2025, and, pursuant to its regulations, determined that 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 references (b) through (e).

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. Although Petitioner did not file his application in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

b. Petitioner enlisted in the Marine Corps with a waiver and began a period of active duty on 15 September 2003. Between 24 October 2004 and 5 February 2005, Petitioner deployed in support of Operation ██████████ and participated in combat operations in ██████████ and ██████████. On 11 August 2005, Petitioner received nonjudicial punishment (NJP) for being disrespectful and resisting apprehension. Between November 2005 and December 2005, Petitioner received outpatient treatment for Alcohol Use Disorder. Petitioner was also diagnosed with

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

Major Depression. Between 10 January 2006 and 14 May 2006, Petitioner was deployed in support of [REDACTED]. On 9 November 2006, Petitioner was convicted by special court martial (SPCM) for being disrespectful in language, two instances of willfully disobeying a lawful order, failure to obey a lawful order by wrongfully possessing and consuming alcohol while deployed, wrongful use of a controlled substance-marijuana, unlawfully pushing a corporal, and two instances of communicating a threat. Petitioner was found guilty and sentenced to a Bad Conduct Discharge (BCD), reduction in rank, confinement, and forfeiture of pay. After completion of all levels of review, Petitioner was so discharged on 18 June 2008.

c. Petitioner contends this correction should be made because he was suffering from Post Traumatic Stress Disorder (PTSD), depression, insomnia, and alcoholism. Petitioner also asserts he was suffering with hearing loss and tinnitus from his previous deployment to Iraq that commenced in November 2004. Petitioner states during his combat deployment to [REDACTED] he was unable to continue any mental health treatment or medications due to combat operations and this contributed to his misconduct. Petitioner asserts he have continued to suffer from mental and behavioral health issues, as well as severe alcoholism and moderate drug abuse. Petitioner claims his tinnitus condition serves as a daily reminder of the trauma he experienced while deployed to [REDACTED]. Petitioner contends he was an above average Marine especially pertaining his MOS and combat operations. Post Discharge, Petitioner states he became a professional truck driver and have continue to support his community in other ways. Petitioner claims he have been married for over 15 years, have children, and have been sober of alcohol and drugs since 2021.

d. For purposes of clemency consideration, Petitioner provided documentation in the form of copies of his military medical records, two certificates of commendation, course completion certificates, and a certificate of recognition.

e. In connection with Petitioner's assertions that he incurred PTSD and other mental health concerns (MHCs) during military service, which might have contributed to his separation, the Board requested and reviewed an Advisory Opinion (AO) provided by a mental health professional. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated and treated during his enlistment. During his enlistment, he did receive diagnoses of PTSD and other mental health concerns that were attributed to onset following his first combat deployment. Prior to his second combat deployment, the Petitioner received treatment for alcohol use disorder and depression. It is possible that a return to a combat environment, even one that "was mild in comparison" to his previous experience, could have contributed to an exacerbation of symptoms and that his misconduct could be considered evidence of avoidance and irritability associated with PTSD and other mental health concerns.

The AO concluded, "it is my clinical opinion that there is in-service evidence of diagnoses of PTSD and another mental health condition that may be attributed to military service. There is in-

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

service evidence that his misconduct may be attributed to PTSD or another mental health condition.”

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner’s request warrants relief.

The Board noted Petitioner’s misconduct and does not condone his actions. However, in light of references (b) through (e), the favorable AO, after reviewing the record liberally and holistically, given the totality of the circumstances, and purely as a matter of clemency, the Board concluded Petitioner’s discharge characterization should be upgraded to “General (Under Honorable Conditions)” and his narrative reason for separation be changed to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member’s service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner’s conduct and/or performance outweighed the positive aspects of his military record even under the liberal consideration standards for mental health conditions, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate.

Further, the Board determined Petitioner’s assigned reentry code remains appropriate based on his record of misconduct and unsuitability for further military service. Ultimately, the Board concluded that any injustice in Petitioner’s record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

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

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 18 June 2008, indicating his character of service as “General (Under Honorable Conditions,” the narrative reason for separation as “Secretarial Authority,” the SPD code assigned as “JFF1,” and the separation authority as “MARCORPSEPMAN 6214.”

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.

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

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 Regulations, 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.

2/5/2025

