



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

██████████  
Docket No. 9168-24  
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) 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 w/ enclosures  
(2) Advisory Opinion (AO) of 13 Jan 25

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 that his discharge be upgraded. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 21 February 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, applicable statutes, regulations, and policies, to include references (b) through (e). Additionally, the Board considered the advisory opinion (AO) furnished by qualified mental health provider; which was previously provided to Petitioner. Although Petitioner was afforded an opportunity to submit a rebuttal, he chose not to do so.

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 pre-service history of drug use and began a period of active duty on 3 May 1985.

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c. On 13 January 1987, Petitioner was involved in a domestic disturbance which resulted in his spouse receiving medical care at the Naval Hospital for treatment of bites, cuts, and bruises. Although they participated in crisis support counseling from April through June of 1987, his spouse separated from him in September 1987.

d. On 1 June 1987, Petitioner was issued administrative counseling advising him to correct his conduct deficiencies after failure to be at his appointed place of duty.

e. After separating from his spouse, Petitioner began expressing suicidal ideations and making threats on his life and others. Petitioner was diagnosed with a personality disorder and, on 25 September 1987, issued administrative counseling advising him to correct his deficiencies with respect to problems adjusting to a military environment. He was advised that failure to correct his deficiencies could result in administrative separation.

f. On 23 October 1987, a family advocacy assessment noted that he had been seen 12 times since his separation from his spouse. It documented a history of domestic abuse which had escalated rapidly toward serious physical violence and noted that he remained suicidal and appeared clinically depressed. Additionally, the counselor recorded that, since boot camp, Petitioner reported he had been seeking avenues for discharge and was "now desperately looking for ways to be discharged quickly."

g. On 17 November 1987, Petitioner was counseled that he was being processed for administrative separation due to continued unacceptable behavior and attitude with no signs of improvement despite regular psychological counseling. His counseling entry also noted that he had engaged in self-mutilation by inflicting multiple lacerations on both arms with a K-bar knife.

h. On 19 November 1987, Petitioner was informed by notification procedure that he was being processed for administrative separation by reason of convenience of the government due to Personality Disorder with a recommendation that he receive a General (Under Honorable Conditions) discharge. He elected to consult legal counsel and waived his right to submit a statement incident to this processing.

i. Commanding Officer [REDACTED], recommended Petitioner's discharge under honorable conditions, noting that his Personality Disorder diagnosis did not improve even following counseling and therapy and that he was unsuitable for military service based on his involvement in a violent domestic disturbance and counseling for unauthorized absence.

j. On 11 December 1987, Petitioner received a psychological evaluation which noted his receipt of weekly therapy and testing. Contrary to previous assessments from family advocacy, this medical record documented his apparent strong motivation for military service; however, it advised that this motivation was unlikely to have a positive impact on his condition [personality disorder]. He was diagnosed as having a personality disorder with mixed passive-aggressive traits and recommended for separation in the best interests of the service.

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k. On 24 December 1987, Commanding General, [REDACTED], approved Petitioner's discharge under honorable conditions and he was so discharged by reason of "Personality Disorder" with an "RE-3P" reentry code on 30 December 1987.

l. Petitioner contends that his adjutant lied to him; which resulted in him signing his discharge. He alleges that he was forced out due to post-traumatic stress disorder (PTSD) which he claims to have incurred during basic training at Marine Corps Base [REDACTED] and from his experiences in the Fleet Marine Forces. He denies that his personality disorder pre-existed his enlistment and asserts that his disability rating from the Department of Veterans Affairs (VA) for service-connected PTSD is the direct result of his active duty service. In support of his contentions and for the purpose of clemency and equity consideration, he submitted a letter of support from a childhood friend and divers VA records regarding his progress notes, benefits, and disability rating.

m. Because Petitioner contends a mental health condition affected the circumstances of his discharge, the Board also requested enclosure (2), the AO, for consideration, which noted that the VA granted his service-connected disability for unspecified Personality Disorder in 2019 and for PTSD in 2023. It stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated on multiple occasions during his enlistment. 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 evaluation performed by the mental health clinician. Temporally remote to his military service, the VA has also granted service connection for PTSD. However, his in-service misconduct appears to be consistent with his diagnosed personality disorder. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is post-service evidence from the VA 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."

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, 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

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health-related condition and that certain remedial administrative changes are warranted to the DD Form 214.

With respect to Petitioner's characterization of service, the Board determined it remains appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, his desire for a discharge upgrade and previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In making this finding, the Board concurred with the assessment documented by his commanding officer that Petitioner was unsuitable for military service based upon his diagnosed Personality Disorder and also due to his violent domestic disturbance, which assaults on his wife and documented unauthorized absence. Although Petitioner's chain of command elected to limit the basis for his separation to convenience of the government, the Board observed that this decision did not prohibit consideration of Petitioner's misconduct and entire service record, to include his extensive counseling entries, in determining an appropriate characterization of service with respect to "type warranted by service record." Although Petitioner otherwise served honorably and faithfully, his service was marred by certain negative aspects which departed from that which would be expected for a fully Honorable characterization.

Therefore, while the Board carefully considered the evidence Petitioner submitted in mitigation, 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 Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct. Finally, the Board determined Petitioner's assigned reentry code remains appropriate in light of his original basis for separation.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating, for the period ending 30 December 1987, that he was discharged under the authority of "MARCORSEPMAN par 6214," for the narrative reason of "Secretary of the Navy Plenary Authority," with a separation code of "JFF1."

That 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

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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.

3/20/2025

