



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

[REDACTED]  
Docket No. 9317-24  
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) USD Memo, "Clarifying Guidance to Military Discharge Review 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) PDUSD memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018  
(d) 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  
(e) Official Military Personnel File (OMPF)  
(f) President, Physical Evaluation Board, email of [REDACTED]

Encl: (1) DD Form 149 w/enclosures  
(2) Physician Advisor Memo, subj: Advisory Opinion ICO [Petitioner], 24 April 2025

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 medical retirement<sup>1</sup> and removal of "condition, not a disability" from his Certificate of Release or Discharge from Active Duty (DD Form 214). In the alternative, Petitioner requests referral to the Disability Evaluation System (DES) for processing.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 1 May 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) through (d); specifically, the 25 August 2017 guidance from the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) (Kurta Memo); 25 July 2018 guidance from the USD (P&R) regarding equity, injustice or clemency determinations (Wilkie 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 ([REDACTED] Memo). In addition,

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<sup>1</sup> In his legal brief, counsel specifically requests the Board change the separation authority, separation code, and narrative reason for separation to reflect medical retirement.

the Board considered enclosure (2), an advisory opinion (AO) from a Physician Advisor, that was considered favorable toward Petitioner.

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

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 Major Depressive Disorder (MDD) during his initial evaluation in October 2020, Alcohol Use Disorder (AUD) in January 2021, and both diagnosis remained unchanged during his time in [REDACTED]. During a psychiatric intake evaluation in April 2021, while at the [REDACTED] Substance Abuse Rehab Program, the addiction psychiatrist documented an admission diagnoses of Anxiety Disorder (rule out Social Anxiety Disorder), Adjustment Disorder with Depressed Mood (vs Depressive Disorder), and Alcohol Use Disorder, severe. After being admitted to the inpatient psychiatric ward after suicidal ideations, Petitioner's diagnosis was Adjustment Disorder with Mixed Anxiety and Depressed Mood and AUD. While a patient in the psychiatric ward at [REDACTED], on 22 April 2021, Petitioner was diagnosed with Narcissistic Personality Disorder and Adjustment Disorder, and administrative separation due to condition not considered a disability was recommended. When evaluated after an Emergency Room visit to [REDACTED] on 12 May 2021, Petitioner was diagnosed with Alcohol Abuse and Adjustment Disorder with Mixed Anxiety and Depressed Mood. Finally, on 20 May 2021, during a psychiatric follow up with Mental Health Department, [REDACTED], the diagnosis "clarified to [MDD], Single Episode with Atypical Features and Alcohol Abuse."

c. A review of reference (d) revealed Petitioner enlisted and began a period of active duty in the Marine Corps on 10 December 2018. On 30 July 2021, Commanding Officer (CO), [REDACTED], notified Petitioner of his intent to administratively separate Petitioner by reason of convenience of the government due to condition not a disability. Petitioner acknowledged the notification; did not elect to include statements or consult counsel but elected to obtain copies. On 5 August 2021, the CO recommended Petitioner's separation, with an Honorable (HON) characterization. The chain of command concurred with the recommendation for separation with an HON characterization. On 13 October 2021, the separation authority approved the recommendation and directed Petitioner's discharge by reason of condition not a disability, with an HON characterization and assignment of a RE-3P reentry code. On 19 November 2011, Petitioner was so discharged.

d. Petitioner contends he was improperly administratively separated and denied evaluation through the proscribed formal process of a Medical Evaluation Board (MEB) followed by a Physical Evaluation Board. Had he been allowed to be properly reviewed, Petitioner contends he

would have been granted medical retirement after being found unfit<sup>2</sup> for MDD with a 50% rating. Specifically, Petitioner contends the Marine Corps failed to adhere to governing regulations, misdiagnosed him, and denied him a meaningful evaluation of his MDD and eligibility for retirement. Further, even if the Marine Corps contends Petitioner suffered from both MDD and a personality disorder, Petitioner contends the Marine Corps erred by separating him solely on the basis of condition, not a disability; where other grounds for separation were available. He also contends his administrative separation due to condition, not a disability, was in error because his records do not reflect endorsement by a MEB convening authority or review by Director, Health Services. Lastly, assuming arguendo that he suffered from an Adjustment Disorder, Petitioner contends he should have been referred to a MEB for chronic Adjustment Disorder because regulations clarify that Chronic Adjustment Disorders – those lasting longer than six months – are compensable disabilities for which DES processing is mandated. If the Board denied his requested medical retirement, in the alternative, Petitioner contends that under reference (c), his narrative reason for separation should be changed to Secretarial Authority in order to avoid the potential prejudice and injustice associated with a stigmatizing designation on his discharge documentation.

e. The Physician Advisor's AO at enclosure (2) determined that, at the time of his administrative separation, Petitioner suffered from medical and mental health conditions, specifically MDD and AUD, that interfered with his ability to adequately carry out the responsibilities of his rank, rate, and assigned duties. In reaching his decision, the Physician Advisor also questioned the strength of the personality disorder diagnosis which served as the impetus for Petitioner's administrative separation. The AO specifically highlighted that the available clinical history from outpatient and inpatient records indicated a "relatively normal childhood and adolescence without history of social, educational, legal, familial, or relationship behavioral indicators suggestive of a lifelong pattern of maladaptive behavior prior to his military service." Further, the AO states "caution is typically advised in rendering a personality disorder diagnosis during periods of acute psychological duress, especially in the absence of a history of pre-existing personality pathology." Additionally, the AO considered a psychological survey performed by a doctoral-level, board-certified Psychiatric Mental Health Nurse Practitioner for Narcissistic Personality Disorder in which Petitioner scored very low. The AO further addressed the alternating diagnoses of Adjustment Disorder with Depressed Mood or Mixed Anxious and Depressed Mood verses MDD. "Given the range and severity of his psychological symptoms and maladaptive behaviors, whether the diagnosis was conceptualized as a Chronic Adjustment Disorder or MDD, the level of occupational and social impairment indicated a compromised state of successful execution of his military responsibilities and duties" which would have qualified for consideration for referral to a MEB.

f. 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 MDD, the Board requested review by the PEB. Based on reference (e), an email discussion with President, PEB, after his review of enclosure (2), the PEB concurred Petitioner was unfit due to

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<sup>2</sup> Petitioner contends the evidence demonstrates he was unable to deploy or to perform his military duties and common military tasks.

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MDD, not combat related (NCR), non-combat zone (NCZ) and recommended placement on the PDRL with a 50% disability rating effective 20 November 2021.

## CONCLUSION

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

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 MDD, 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 50% disability rating for MDD, 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 20 November 2021, for the following condition:

Major Depressive Disorder (stable), DC 9434, rated at 50%. NCR, 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 reflect the Board's action.

That HQMC take all required actions to transfer Petitioner to the PDRL effective 20 November 2021.

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

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/7/2025

