



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

██████████
Docket No. 10135-24
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) Title 10 U.S.C. §1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USECDEF Memo of 25 Aug 2017 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Naval record (excerpts)
(3) Advisory opinion of 29 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 for an upgrade of his characterization of service and back pay. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 12 March 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 included references (b) through (e). Additionally, the Board considered enclosure (3); an Advisory Opinion (AO) furnished by a qualified mental health provider. Although Petitioner was provided an opportunity to comment on the AO, 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.

b. Although the enclosure was not filed in a timely manner, the statute of limitation was waived in accordance with reference (d).

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c. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 22 March 2004.

d. On 29 October 2004, Petitioner was seen by a mental health provider, diagnosed with Adjustment disorder, and recommended for separation.

e. On 5 November 2004, Petitioner was issued a counseling warning for poor judgement, lack of self-discipline, lack of initiative and dereliction of duty.

f. Subsequently, Petitioner was notified of administrative separation processing for personality disorder. After Petitioner elected to consult with counsel, the Commanding Officer made his recommendation to the Separation Authority (SA) that he be discharged with a General characterization. The SA accepted the recommendation and directed Petitioner be discharged for personality disorder. The Petitioner was so discharged on 4 January 2005.

g. Petitioner contends he had no prior issues before he entered the Marine Corps and they abandoned him when he needed them the most. Petitioner also contends his conditions is a result of the abuse that incurred while in the service and the unfair treatment. For purposes of clemency and equity consideration, the Board considered the evidence Petitioner provided in support of his application.

h. In light of the Petitioner's assertion of mental health condition, the Board requested enclosure (3). The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His personality and adjustment disorder diagnoses were 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. There is no evidence of error in the in-service diagnosis, and his separation appears to be related to the in-service diagnosis.

The AO concluded, "it is my clinical opinion that there is in-service and post service evidence from the VA of a mental health condition that may be attributed to military service. There is insufficient evidence of error in his in-service diagnosis."

In response to the AO, Petitioner submitted additional evidence in support of his application. After reviewing the rebuttal evidence, the AO remained unchanged.

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. In keeping with the letter and spirit of references (b) through (e), the Board determined that it would be an injustice to label one's discharge as being for a diagnosed personality 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

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should not be labeled as being for a mental health-related condition and that certain medial administrative changes are warranted to the DD Form 214.

Additionally, the Board determined it was in the interests of justice to upgrade the Petitioner's characterization of service. The Board noted the Petitioner's record did not contain any misconduct. Therefore, the Board determined insufficient evidence exists to support his assigned characterization of service of General.

Notwithstanding the recommended corrective action below, the Board found no basis to grant Petitioner's request for back pay. The Board noted Petitioner did not serve on active duty beyond his discharge date and provided insufficient evidence that his basis for separation was erroneous or unjust. Further, the Board determined Petitioner's assigned reentry code remains appropriate in light of his unsuitability for further military service. Ultimately, the Board concluded any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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

RECOMMENDATION:

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 4 January 2005, indicating his characterization of service as "Honorable," narrative reason for separation as "Secretarial Authority," SPD code as "JFF," and separation authority as "MILPERSMAN 1910-164."

Petitioner be issued an Honorable discharge certificate.

That no further changes be made to Petitioner's record.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

3/26/2025

