



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

██████████
Docket No. 10399-24
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
██████████ 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 19 Feb 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 an upgrade of his characterization of service. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 9 April 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 12 June 2000.

d. On four different occasions between January 2001 until June 2002, the Petitioner was notified that he was not eligible for promotion due to no bearing or enthusiasm, not being ready for increased responsibility, and because of lack of leadership.

e. On 24 June 2002, the Petitioner began a period of unauthorized absence (UA) that lasted until he surrendered on 4 October 2002. On 20 December 2002, the Petitioner received non-judicial punishment (NJP) for the 102 days of UA.

f. Unfortunately, documents pertinent to Petitioner's administrative separation are not in the official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that he was separated from the Marine Corps, on 18 March 2003, with an Other than Honorable (OTH) characterization of service, narrative reason for separation is "Personality Disorder," separation code is "HFX1," and reenlistment code is "RE-3P."

g. Petitioner contended that he was an outstanding Marine for three years of service and was discharged due to his personality disorder. He further contends he was undergoing a huge amount of stress from watch duty and lack of asleep and still had to be on the front line engaging in heavy fire. He argues his mental state after seeing and experiencing such traumatic events led to his downfall in his mental state and his leadership noticed a change in him. That his family member was writing bad checks in his name, and he was undergoing treatment at the time a warrant for his arrest. Lastly, he was not afforded the necessary resources or treatment options to manage his condition and the support he need was often unavailable; leaving him to navigate to struggle on his own.

h. For purposes of clemency and equity consideration, the Board considered the evidence Petitioner provided in support of his application.

g. 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 disorder diagnosis would have been 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 insufficient information regarding a diagnosis of PTSD. There are no in-service records available, and the Petitioner has provided no medical evidence to support his claims. Unfortunately, his personal statement is not sufficiently detailed to provide a nexus with his misconduct. Additional records (e.g., post-service mental health records describing the

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Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is insufficient evidence 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 possibly personality disorder."

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

Further, the Board found an error with Petitioner's assigned characterization of service. Applicable Marine Corps regulation do not authorize the assignment of an OTH in cases involving administrative separation on the basis of a personality disorder. Therefore, the Board determined Petitioner's characterization of service should be changed to General (Under Honorable Conditions).

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 his previously discussed contentions.

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. In making this finding, the Board considered the seriousness of Petitioner's misconduct and the likely negative effect it had on the good order and discipline of his unit. Further, the Board concurred with the AO that there is insufficient evidence to attribute his misconduct to PTSD or another mental health condition, other than possibly personality disorder. Finally, the Board determined Petitioner's assigned reentry code remains appropriate in light of his basis for separation.

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

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RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 18 March 2003, he was discharged with a "General (Under Honorable Conditions)" characterization of service, narrative reason for separation of "Secretarial Authority," SPD code of "JFF1," and separation authority of "MARCORSEPMAN Par 6214."

Headquarters, U.S. Marine Corps shall conduct an awards review of Petitioner's record and is authorized to make any corrections to Petitioner's DD Form 214 consistent with the review.

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.

5/1/2025

