



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

Docket No. 10942-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF

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) Naval record (excerpts)  
(3) Advisory Opinion of 6 March 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 an upgrade of his characterization of service to General (Under Honorable Conditions).

2. The Board consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 25 April 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 Petitioner's naval service records, and applicable statutes, regulations, and policies including references (b) through (e). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional. Although Petitioner was provided an opportunity to respond to 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. 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 was granted an enlistment waiver for pre-service drug use and subsequently signed the Marine Corps policy concerning illegal drug use.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[REDACTED]

c. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 7 February 2002.

d. From March through September 2003, Petitioner served in Iraq in support of Operation Iraqi Freedom.

e. On 11 December 2003, Petitioner's urinalysis was reported as testing positive for cocaine. He subsequently underwent a medical evaluation and was determined not to be drug dependent and fit for separation.

f. On 26 January 2004, Petitioner was convicted by a Summary Court-Martial (SCM) of wrongfully using cocaine and sentenced to be confined for 30 days, to be reduced in rank to E-1, and to forfeit \$795.00 per month for one month.

g. Consequently, Petitioner was notified of his pending administrative processing by reason of drug abuse. He was advised of his rights, elected to consult with counsel, and waived his right to present his case to an administrative discharge board.

h. On 25 February 2004, Petitioner declined to undergo a substance abuse evaluation conducted by a medical officer.

i. Petitioner's commanding officer (CO) forwarded the administrative separation package to the separation authority (SA) recommending that Petitioner be administratively discharged from the Marine Corps with an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation for administrative discharge for drug abuse and Petitioner was so discharged on 30 March 2004.

j. Petitioner contends he remained in theater while his unit returned home to undergo mandatory decompression and trauma counseling. Upon his eventual arrival to the U.S., he was exempted from this process and proceeded directly on leave with his unit. As a result, he missed critical post-deployment trauma services, leaving him unprepared for the transition from a combat environment to peacetime conditions. He later struggled with significant stress and turned to unhealthy coping mechanisms, ultimately leading to his discharge. For the next 20 years, he battled substance abuse issues. Last year, he received treatment at a veterans' rehabilitation center, achieved sobriety, and gained a deeper understanding of the extent to which his undiagnosed PTSD had influenced his behavior. Had he received appropriate education and coping strategies during the mandatory decompression process, it is likely that his post-deployment struggles could have been mitigated; potentially allowing him to continue his career in the Marine Corps.

k. For purposes of clemency and equity consideration, Petitioner provided his DD Form 214, a character letter, Restorative Pathways PLLC documents, a National Center for PTSD Checklist for DSM-5 (PCL-5) with Life Events Checklist for DSM-5 (LEC-5) and Criterion A documents, a letter from LtCol, a release from [REDACTED] treatment plan letter, a VA statement in support of claim document, medical documents, a VA benefits letter, and ADSEP recommendation letters

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

from his previous Weapons Platoon Commander and Regiment and Battalion Commanding Officers.

1. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Throughout his disciplinary processing, there were no concerns raised of a mental health condition that would have warranted a referral for evaluation. Temporally remote to his military service, he has received service connection for PTSD. He has presented evidence of civilian treatment for PTSD purportedly during his military service. However, it seems unusual that he would receive mental health treatment during military service and not report it during his court martial proceedings. More weight has been placed on his in-service denial of substance use disorder, claiming it was a one-time event, over post-service recall of self-medication for maladaptive coping. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) aid in rendering an alternate opinion.

The AO concluded, "There is post service evidence of diagnoses of PTSD and other mental health concerns that may be attributed to military service. There is insufficient evidence to attribute the Petitioner's misconduct to PTSD or another mental health condition."

#### CONCLUSION:

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

Although the Board did not find that the Petitioner was discharged in error, it concluded, in light of reference (b) through (e) and after reviewing the record holistically, given the totality of the circumstances and purely as a matter of clemency, that an upgrade in the characterization to General (Under Honorable Conditions) is warranted. The Board further determined it was in the interest of justice to change the narrative reason for separation, separation authority, and separation code to reflect a Secretarial Authority discharge based on the same rationale.

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. Additionally, the Board concluded that Petitioner's assigned reentry code remains appropriate based on his record of misconduct and unsuitability for further military

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]  
[REDACTED]

service. Ultimately, the Board determined 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:

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 30 March 2004, Petitioner was discharged with a "General (Under Honorable Conditions) characterization of service, narrative reason for separation of "Secretarial Authority," SPD code of "JFF1," and the separation authority of "MARCORSEPMAN par 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.

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.

5/12/2025

