



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

██████████
Docket No. 11106-24
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) 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 24 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 and a correction to his social security number on his DD Form 214.

2. The Board consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 28 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, that was favorable toward Petitioner.

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 U.S. Marine Corps and began a period of active duty on 27 October 1969.

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

[REDACTED] USMC

c. From 21 July 1970 through 13 March 1971, Petitioner served in the Republic of [REDACTED] in support of combat operations.

d. From 22 November 1972 through 26 April 1973, Petitioner received five nonjudicial punishments (NJPs) for infractions ranging from failure to obey lawful orders to unauthorized absences (UAs). Subsequently, he was notified of his pending administrative processing for frequent involvement with military authorities. However, on 8 June 1973, he submitted a request to be discharged with an Other Than Honorable (OTH) characterization for the good of the service to escape trial by court-martial for wrongfully possessing an unknown quantity of marijuana.

e. Petitioner's commanding officer (CO) forwarded his request to the separation authority (SA) recommending approval of Petitioner's request. The SA approved Petitioner's request and, Petitioner was so discharged on 26 June 1973. He was issued a DD Form 214 that documented his social security number as [REDACTED] [REDACTED].

f. Petitioner contends that the second number of his social security number (SSN) is incorrect and should reflect [REDACTED]. In addition, he contends that his [REDACTED] combat trauma contributed to mental health concerns and his separation from service. Specifically, he argues that, despite having Honorable service prior to and during combat tours, he received no diagnosis or treatment to deal with his PTSD, faced the lack of support and the negative labeling of veterans, and suffered from the lack of treatment for depression, anxiety, hypervigilance, nightmares and night terrors. These symptoms caused him to struggle with daily life, employment, relationships, and hampered his ability to properly care of himself. He admits he made some poor choices but believes he has earned the benefits of a General (Under Honorable Conditions) (GEN) or Honorable discharge for his service, and he loved the Marine Corps.

g. For purposes of clemency and equity consideration, Petitioner provided his DD Form 214, driver's license, social security number card, and Good Conduct Medal and Corporal certificates.

h. 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. Temporally remote to his service, a civilian physician noted a diagnosis of PTSD and another mental health condition. Petitioner's misconduct does follow after his return from a combat deployment. It is possible that UA, disobedience, and substance use could be considered behavioral indicators of avoidance, irritability, and self-medication of undiagnosed symptoms of PTSD.

The AO concluded, "There is some civilian post-service evidence of a diagnosis of PTSD. There is some post-service evidence from the Petitioner of PTSD attributed to military service. There is some evidence that his misconduct may be attributed to PTSD from military combat."

¹ The Board noted the SSN annotated on Petitioner's DD Form 214 was consistent with the SSN listed on his enlistment contract.

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

[REDACTED] USMC

CONCLUSION:

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

First, the Board determined that Petitioner's DD Form 214 should be corrected to document his correct SSN.

Second, regarding Petitioner's request that his characterization of service be upgraded, the Board found no error in Petitioner's OTH characterization of service discharge for to escape trial by court-martial for his marijuana possession. However, because Petitioner based his claim for relief in whole or in part upon his PTSD, the Board reviewed his application in accordance with the guidance of references (b) through (e). Accordingly, the Board applied liberal consideration to Petitioner's claimed mental health condition and the effect that it may have had upon his misconduct.

After thorough review, the Board found that Petitioner's PTSD did have an effect on his misconduct and the mitigating circumstances of his mental health condition outweighed the misconduct for which Petitioner was discharged. In making this finding, the Board concurred with the AO that there is evidence that his misconduct may be attributed to PTSD from military combat. As explained in the AO, it is possible that UA, disobedience, and substance use could be considered indicators of avoidance, irritability, and self-medication of undiagnosed symptoms of PTSD. Therefore, the Board determined that the interests of justice are served by upgrading his characterization of service to GEN. Further, the Board determined that Petitioner's narrative reason for separation, separation authority, and separation/separation program designator (SPD) code should be changed 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 GEN discharge characterization and no higher was appropriate. Additionally, the Board determined Petitioner's assigned reentry code remains appropriate in light of his unsuitability for further military service. Ultimately, the Board concluded that 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 26 June 1973, he was discharged with a "General (Under Honorable Conditions)" characterization of service, narrative reason for separation of "Discharged involuntarily when directed by the Secretary of the Navy," separation authority of

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

[REDACTED] USMC

“MARCORSEPMAN 6012.1g,” and separation/SPD code of “JFF1.” Additionally, included in the new DD Form 214, should be a correction to the Petitioner’s social security number, reflecting [REDACTED]

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.

5/13/2025

