



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

[REDACTED]  
Docket No. 11793-24

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED] 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 4 Apr 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 to General (Under Honorable Conditions) (GEN).

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 23 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, applicable statutes, regulations, and policies, to include references (b) through (e). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional. The AO was considered 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 regulation within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

c. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 10 November 1992. Petitioner admitted to illegal use of marijuana while in the Delayed Entry Program.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED] USMC

d. On 22 February 1994, Petitioner received non-judicial punishment (NJP) for two specifications for being absent from his appointed place of duty and one specification of dereliction of duty.

e. In June 1994, Petitioner deploys onboard [REDACTED]. On 29 June 1994, while on deployment, the Petitioner jumped overboard. On 3 July 1994, the Petitioner was medically evacuated off the ship.

f. A command investigation into the incident recommended that Petitioner be evacuated to a proper medical facility for a mental health examination and that disciplinary action be taken for jumping off the ship, pending psychiatric evaluation.

g. On 13 October 1994, the Petitioner was issued a counseling warning for failure to be at his appointed place of duty and poor judgment for making a decision to go out of bounds on a 72-hour weekend without an out of bounds chit.

h. On 26 October 1994, the Petitioner was convicted by a summary court-martial (SCM) for wrongfully and intentionally jumping from [REDACTED]. Petitioner was sentenced to confinement, forfeiture of pay, and reduction in rank.

i. Consequently, Petitioner was notified of administrative separation processing for misconduct commission of a serious offense. Petitioner elected his right to consult with counsel but waived his right to an administrative board.

j. The Commanding Officer (CO) made his recommendation to the Separation Authority (SA) that Petitioner be discharged with an Other Than Honorable (OTH) characterization. The SA accepted the recommendation and Petitioner was so discharged on 20 April 1995.

k. Petitioner contends the following injustices warranting relief:

(1) Due to psychological issues during wartime, his mental state resulted in a suicide attempt which resulting in a summary court-martial;

(2) Repeated exposure to tear gas, along with the cumulative stress of wartime conditions, contributed to ongoing issues with his lung health and mental well being; and

(3) The emotional toll of witnessing the injuries and losses of fellow Marines, compounded by the pressures of combat, ultimately led to his suicide attempt in June 1994.

l. For purposes of clemency and equity consideration, the Board noted Petitioner provided a personal statement, advocacy letter, resume, degree and a Department of Veterans Affairs benefits rating.

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED] USMC

There is evidence that the Petitioner suffered from a mental health condition while in service. He verbalized frustration with his Marine Corps service and left a suicide note prior to jumping overboard from a carrier. His personality disorder diagnosis is understandable given psychological testing, and the rather dramatic gesture of doing a backwards dive off a carrier as a suicide attempt. However, he also demonstrated psychotic symptoms in the form of delusions and paranoia that pre-date his attempt. He exhibited psychotic symptoms when first rescued following his attempt and during the first few days of his hospitalization. His behaviors are indicative of a depressive disorder with psychotic features, or even possible prodromal symptoms of a more serious psychotic condition.

The AO concluded, "it is my clinical opinion that there is sufficient evidence of a mental health condition that existed in service. There is sufficient evidence to attribute his misconduct to a mental health condition."

## CONCLUSION

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

The Board found no error in Petitioner's OTH characterization of service discharge for separation for misconduct. 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 PTSD, and the effect that it may have had upon his misconduct. In this regard, the Board substantially agreed with the AO that there is sufficient evidence of a mental health condition that existed in service. Further, there is sufficient evidence to attribute his misconduct to a mental health condition.

While the Board does not condone Petitioner's misconduct, after reviewing the record holistically, given the totality of the circumstances, and purely as a matter of clemency, the Board determined Petitioner's characterization of service should be changed to GEN.

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 and that a GEN discharge characterization and no higher was appropriate.

Further, the Board concluded that Petitioner's reason for separation, separation authority, separation code, and reentry code remain appropriate in light of Petitioner's record of misconduct. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED] USMC

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) indicating that, for the period ending 20 April 1995, his characterization of service was "General (Under Honorable Conditions)."

That no further correction action be taken on Petitioner's naval record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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.

5/8/2025

