



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

[REDACTED]
Docket No. 12539-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
XXX XX [REDACTED] USMC

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)
(c) USECDEF Memo of 25 Aug 17 (Kurta Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion of 7 Apr 25

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps/Navy, filed enclosure (1) requesting his characterization of service be changed to Honorable and his narrative reason be changed to "Secretarial Authority" on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 19 May 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 include references (b) and (c). Additionally, the Board also considered enclosure (4), the advisory opinion (AO) furnished by qualified mental health provider, and the Petitioner's response to the AO.

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 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 Marine Corps and began a period of active service on 19 July 2004.

d. On 2 June 2005, Petitioner commenced a twenty-nine-day period of unauthorized absence (UA) that ended on 30 June 1995. On 1 July 2005, Petitioner was referred for a mental health evaluation after he disclosed to a chaplain and a physician that he would kill himself if compelled to return to his duty station. During his evaluation, Petitioner reported a pre-service and in-service history of suicidal ideation and self-harm; although he had denied any history of mental health concerns during his enlistment physical. Petitioner was diagnosed with Personality Disorder, not otherwise specified with depressive, schizoid, dependent traits (severe) and was recommended for immediate discharge.

e. On 7 July 2005, Petitioner was notified of administrative separation processing by reason of Personality Disorder with a least favorable characterization of General (Under Honorable Conditions) (GEN). He consulted with counsel and waived his right to make a statement. In the meantime, Petitioner received non-judicial punishment (NJP) for his period of UA. Petitioner's commanding officer recommended a GEN characterization of service. The separation authority concurred and directed a GEN discharge due to Personality Disorder. On 8 August 2005, he was so discharged.

f. Petitioner contends the extent of his service-related mental health issues were not taken into full account during his separation proceedings and he was suffering from a debilitating mental health condition at the time of his separation. Petitioner asserted and provided documentation from his service record indicating that, during a mental health evaluation following his UA period, he was diagnosed with Personality Disorder with depressive, schizoid, dependent traits (severe), threatened to kill himself if compelled to return to Camp Pendleton, and disclosed pre-service suicidal ideation and a suicide attempt while he was UA as evidence of his mental health condition. For the purpose of clemency and equity consideration, Petitioner did not provide documentation of post-service accomplishment or advocacy letters.

f. As part of the Board's review, the Board considered enclosure (4) and the Petitioner's response. The AO states in pertinent part:

Petitioner contends he suffered from mental health conditions, which may have contributed to the circumstances of his separation from service.

Petitioner did not submit any medical evidence in support of his claim.

There is no evidence that the Petitioner was diagnosed with a mental health condition during his military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a mental health condition. The medical provider and author of his psychological evaluation in service completed a thorough assessment and diagnosed him with a Personality Disorder, which appears accurate given Petitioner's anecdote and complete assessment. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
XXX XX [REDACTED] USMC

typically amenable to treatment within the operational requirements of Naval Service.

The AO concluded, "it is my clinical opinion that there is insufficient evidence of a mental health condition that existed in service. There is evidence of a Personality Disorder. There is insufficient evidence that his misconduct was mitigated by any mental health condition aside from a Personality Disorder."

In response to the AO, the Petitioner provided supporting documentation that supplied additional clarification of the circumstances of his case. 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. Specifically, in keeping with the letter and spirit of the Wilkie Memo, the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior and/or adjustment 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 Personality Disorder and that certain remedial administrative changes are warranted to the DD Form 214.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned characterization of service remains appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, Petitioner's desire for a discharge upgrade and previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and the likely negative impact his conduct had on the good order and discipline of his command. The Board also noted that Petitioner failed to disclose his history of suicidal ideations and self-harm as part of his enlistment process; an omission that could have resulted in fraudulent enlistment charges. Further, the Board concurred with the AO and determined that, while there is evidence of a Personality Disorder diagnosis in-service, there is insufficient evidence that his misconduct was mitigated by any mental health condition aside from a Personality Disorder that existed prior to his entry into active duty. As a result, the Board concluded that significant negative aspects of Petitioner's service outweighed the positive aspects and continues to warrant a GEN characterization of service.

Finally, the Board concluded Petitioner's assigned reentry code of RE-4 also remains appropriate in light of his unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
XXX XX [REDACTED] USMC

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

RECOMMENDATION

That Petitioner be issued a new DD Form 214, for the period ending 8 August 2005, indicating the separation authority as "MARCORSEPMAN 6214," separation code as "JFF1," narrative reason for separation as "Secretarial Authority."

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

6/13/2025

