



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

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Docket No. 300-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ■■■■■ ■■■■■
■■■■■ 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) USD Memo of 25 Aug 17 (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

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.

2. The Board, consisting of ■■■■■, reviewed Petitioner's allegations of error and injustice on 24 June 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 and 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 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 Marine Corps and began a period of active duty on 21 August 2000.

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d. On 13 February 2002, Petitioner was evaluated and diagnosed with ADHD by history, Depressive Disorder, NOS, and Borderline Personality Disorder.

e. On 25 February 2002, the commanding officer (CO) Naval Hospital, [REDACTED] recommended that Petitioner be administratively discharged from the Marine Corps. The CO stated in pertinent part:

The member is not mentally ill and is responsible for his behavior. However, this member does manifest a long-standing disorder of character and behavior which is of such severity as to interfere with his ability to function effectively in the military environment. Individuals with this type of personality disorder are unproductive and often consume considerable command attention and resources..... Although not imminently suicidal or homicidal, the member poses a continuing risk to do harm to self or others and negatively impact unit effectiveness and if retained in naval service. Therefore, it is strongly recommended a 6105 entry be waived and that the member be processed expeditiously for an administrative discharge....by reason of unsuitability. The member has been offered supportive follow-up in the Mental Health Clinic pending processing for separation.

f. On 5 March 2002, Petitioner was issued an administrative remarks (Page 11) counseling concerning his diagnosed personality disorder.

g. On 12 March 2002, Petitioner received a second evaluation and was again diagnosed with Depressive Disorder and Borderline Personality Disorder.

h. On 10 April 2002, Petitioner issued a Page 11 counseling concerning deficiencies in performance and conduct. Specifically, unauthorized absence from his appointment at the Naval Psychiatrist for a follow up appointment.

i. Subsequently, Petitioner was notified that he was being recommended for administrative discharge from the Marine Corps by reason of convenience of the government - personality disorder. Petitioner waived his right to consult with counsel and to present his case to an administrative discharge board.

j. Petitioner's CO forwarded the administrative separation package to the separation authority recommending that Petitioner be administratively discharged from the Marine Corps by reason of convenience of the government due to personality disorder with a General (Under Honorable Conditions) (GEN) characterization of service.

k. The separation authority approved the recommendation and directed Petitioner's GEN discharge from the Marine Corps. Petitioner was so discharged on 17 June 2002. His trait averages were 4.4 (Proficiency) and 4.4 (Conduct).

l. Petitioner contends that he was never offered treatment, nor was he offered any kind of professional help for this condition prior to or after his discharge.

m. For purposes of clemency and equity consideration, the Board considered the supporting documentation Petitioner provided in support of his application.

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

There is evidence that the Petitioner was diagnosed with a R/O [rule-out] PTSD, mild, Depressive Disorder NOS, and Borderline Personality Disorder. The Petitioner submitted a psychological evaluation whereby the clinician disagrees with his in-service diagnosed Personality Disorder; however, he was appropriately referred and evaluated over the course of three months and several sessions in order to properly assess his Borderline Personality Disorder. Specifically, the in-service psychologist noted the following:

"The service member describes conduct disorder as a child, antisocial acting's out as a young adult and carrying into his current military career. Twenty fights over the course of the last year may reflect antisocial personality, borderline psychopathology and/or is the behavioral expression of his waxing and waning depression. The patient does meet criteria for Borderline Personality Disorder with his affective instability, engaging in potentially dangerous activities, waxing and waning moods, uncontrolled anger at times, suicidal ideations, difficulty adjusting to the loss and loss [sic] of attachments."

Thus, his in-service behavior and presentation were more likely the result of a Personality Disorder. Additional records (e.g., active duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) would aid in rendering an alternate opinion.

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

CONCLUSION

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

The Board found no error in Petitioner's separation by reason of convenience of the government due to personality disorder. However, the Board found no basis for Petitioner's assigned GEN characterization of service. The Board noted that Petitioner's proficiency and conduct trait averages qualified for an Honorable characterization of service and determined that his record contained no misconduct to justify his GEN discharge. Additionally, as documented in his record and the AO, Petitioner suffered from a Personality Disorder and Depressive Disorder that likely affected his ability to adjust to the military environment. Therefore, the Board determined the interests of justice are served by upgrading his characterization of service to Honorable.

Furthermore, in keeping with the letter and spirit of the references (b) through (e), the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior and/or 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. The Board determined 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 Certificate of Release or Discharge from Active Duty (DD Form 214). Accordingly, the Board concluded that Petitioner's narrative reason for separation, separation code and separation authority should be changed to reflect a Secretarial Authority discharge in the interests of justice to minimize the likelihood of negative inferences being drawn from his naval service in the future. However, the Board concluded Petitioner's reentry code should remain unchanged based on Petitioner's unsuitability for further military service due to his diagnosed mental health condition. 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 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 or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 17 June 2002, that he was discharged with an "Honorable" characterization of service, narrative reason for separation OF "Secretarial Authority," SPD code of "JFF1," and separation authority of "MARCORSEPMAN par 6214."

That Petitioner be issued an Honorable discharge certificate.

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.

7/10/2025

[REDACTED]