



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. 508-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 21 July 2025. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, applicable statutes, regulations, and policies, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgraded requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). In addition, the Board considered an advisory opinion (AO) from a qualified mental health professional. Although you were provided an opportunity to respond to the AO, you chose not to do so.

You enlisted in the U.S. Marine Corps and commenced a period of active duty on 26 June 1980. After a period of continuous Honorable service, you completed your first period of active duty on 13 September 1984¹. You immediately reenlisted and began a second period of active duty on 14 September 1984. During your second enlistment, you were formally counseled on 10 April 1985 for conduct unbecoming a noncommissioned officer (NCO) and, again, on 7 October 1985 regarding your obligation to provide appropriate financial support to your family. On 2 May 1986, you received nonjudicial punishment (NJP) for unauthorized absence (UA), disobeying a lawful order, and drunk and disorderly conduct. Following this NJP, you were issued administrative counseling remarks advising you that continued misconduct could

¹ You were issued a separate DD Form 214 for this period of Honorable service.

result in administrative separation processing or judicial action. On 30 January 1987, you received a second NJP for failing to go to your appointed place of duty and for operating a passenger vehicle while drunk. You were again issued administrative counseling remarks.

In April 1987, you were diagnosed with alcohol abuse by history and prescribed anti-anxiety medication. Clinical documentation further reflected that you were experiencing financial and behavioral difficulties; however, there was no indication of mental impairment, mental disorder, or personality disorder. You were also referred for a drug and alcohol screening evaluation and determined fit to perform full and unrestricted duties.

On 6 May 1987, you were convicted by a Summary Court-Martial (SCM) of two specifications of uttering worthless checks. You were sentenced to reduction in rank to E-1, forfeiture of \$679.00 pay per month for one month, and restriction for 60 days. The Convening Authority approved the sentence but suspended any restriction in excess of seven days for six months. From 14 May 1987 to 17 May 1987, you were hospitalized and diagnosed with an adjustment disorder and Xanax intoxication; both of which were noted as resolved. On 10 June 1987, you received a subsequent diagnosis of alcohol abuse and were recommended for enrollment in a Level II treatment program.

On 28 July 1988, you were convicted by a General Court-Martial (GCM) of eight specifications of uttering worthless checks, with the intent to defraud, totaling over \$2,000.00. You were sentenced to confinement for seven months, forfeiture of \$200.00 pay per month for seven months, reduction in rank to E-1, and a Bad Conduct Discharge (BCD). Your sentence was subsequently affirmed and ordered executed. On 23 February 1990, you were so discharged.

The Board carefully considered all potentially mitigating factors to determine whether the interest of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to your desire to upgrade your discharge and your contentions that: (1) you incurred mental health conditions—including PTSD and other mental health (OMH) concerns—during military service, (2) nearly 40 years have passed since the events in question, and you believe that you have been sufficiently punished for issuing two bad checks totaling \$200.00, (3) upon learning of the issue, you attempted to resolve the matter through your company commander but believe your commanding officer discriminated against you and sought to make an example of you, (4) you are African American and serving in the Marine Corps was your life, (5) your family has a proud legacy of military service, with your father, mother, and both brothers having honorably retired from the U.S. Army, (6) from your enlistment in 1980 until 1987, you did not have disciplinary problems, maintained a clean record, and achieved the rank of Sergeant (E-5), (7) your difficulties did not arise until your assignment to █ at █ in 1986, (8) you believe you have already endured the consequences of your actions and assert that the continued impact of this discharge adversely affects both you and your family, (9) at 63 years old, you wish to resolve this matter and not carry its burden for the remainder of your life, (10) you have submitted documentation from a Navy hospital in support of your claims to illustrate the impact this has had on your life, (11) you express that you do not blame the Marine Corps and maintain a deep love for the Corps, and (12) you respectfully request that the Board take reasonable and just action to acknowledge your service and grant an upgrade to your discharge. For purposes of clemency and equity consideration, the Board considered the totality of your application, which included your DD Form 149 and excerpts from your service medical record.

Based on your assertions that you incurred mental health issues during service, which may have contributed to the circumstances of your separation from service, a qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO on 23 May 2025. The AO stated in pertinent part:

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. He was diagnosed with an Adjustment Disorder upon inpatient psychiatric hospitalization; however, three days later upon discharge, Petitioner described improved mood and functioning and it was noted that his Adjustment Disorder was resolved. Despite reported resolved mood, he continued to engage in UA and writing checks with insufficient funds despite prior disciplinary action. 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 insufficient evidence of a mental health condition that existed in service, aside from an Adjustment Disorder as a result of temporary life stressors. There is insufficient evidence to attribute his misconduct to a mental health condition."

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your NJPs, SCM, and GCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded it showed a complete disregard for military authorities and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; while led to your BCD. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. The Board further observed that, as a noncommissioned officer (NCO), you were entrusted with leadership responsibilities and expected to set an example for junior Marines. Your repeated misconduct represented a failure to uphold those responsibilities and undermined the trust placed in you by virtue of your rank. Finally, the Board concurred with the AO that there is insufficient evidence to attribute your misconduct to a mental health condition. As explained in the AO, your Adjustment Disorder was attributed to temporary life stressors and was assessed as resolved. Despite your improved mood and functioning, you continued to commit misconduct. Thus, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions. Therefore, the Board concluded that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your second period of service.

While the Board carefully considered the evidence you submitted in mitigation, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Based on your initial period of continuous Honorable service, the Board noted that you may be eligible for Department of Veterans Affairs (VA) benefits. The Board recommends you contact the nearest VA office and provide them with a copy of your DD Form 214 from your first enlistment period.

You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity is attached to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

8/1/2025

