



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

Docket No. 533-25
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) USD Memo, "Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions Sexual Assault, or Sexual Harassment," of 25 August 2017
(c) USD Memo, "Clarifying Guidance to Boards for Correction of Military/Naval Records Considering Cases Involving Both Liberal Consideration Discharge Relief Requests and Fitness Determinations," of 4 April 2024
(d) Official Military Personnel File (OMPF)

Encl: (1) DD Form 149 w/enclosures
(2) Advisory Opinion by Ph.D., Licensed Clinical Psychologist, 30 April 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 his record be amended to reflect his reason for separation as "medical discharge" or "mental health condition" vice "personality disorder."

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 June 2025, and pursuant to its regulations, determined 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 naval records, and applicable statutes, regulations, and policies, to include references (b) and (c), the 25 August 2017 guidance from the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) (Kurta Memo) and the 4 April 2024 guidance from the USD (P&R) regarding review of cases involving both liberal consideration discharge relief requests and fitness determinations (Vazirani Memo). In addition, the Board considered enclosure (2), an unfavorable advisory opinion (AO) from a Licensed Clinical Psychologist, which was previously provided to Petitioner. Although Petitioner was afforded an opportunity to submit a rebuttal, Petitioner did not do so.

3. The Board, having reviewed all the evidence of record pertaining to Petitioner's allegations of error or 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. Although Petitioner's

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application was not filed in a timely manner, the Board waived the statute of limitations and considered the case on its merits pursuant to the provisions of reference (b).

b. A review of reference (d) revealed Petitioner enlisted and began a period of active duty in the Marine Corps on 26 February 2003. On 18 June 2004, a Licensed Clinical Social Worker recommended Petitioner for administrative separation based on a diagnosis of personality disorder which "manifests a longstanding disorder of character and behavior, which is of such severity as to render [Petitioner] incapable of serving adequately in the military." On 20 May 2004, Officer in Charge, [REDACTED], recommended Petitioner's administrative separation by reason of a personality disorder which made him "not able to perform minimum training standards." On 27 July 2004, Commanding Officer (CO), [REDACTED], notified Petitioner of his intent to administratively separate Petitioner by reason of personality disorder. Petitioner acknowledged the notification, did not elect to include statements or consult counsel, but elected to obtain copies. On 2 August 2004, the CO recommended Petitioner's separation, with a general (under honorable conditions) characterization. By his endorsement of 16 August 2004, the Staff Judge Advocate, having determined the proceedings were sufficient in law and fact, supported the administrative discharge action. On 31 August 2004, the separation authority, Commanding General, [REDACTED] ([REDACTED]), approved the recommendation and directed Petitioner's discharge by reason of personality disorder but with an honorable characterization and assignment of a RE-3P reentry code. On 7 September 2004, Petitioner was so discharged.

c. Petitioner contends it is in the interests of justice to change his record to reflect medical retirement because the lack of proper evaluation and notification at the time of his discharge resulted in "financial hardship as well as an incomplete acknowledgment of [his] service-connected disabilities." Further, he contends he was "in the BDD Program prior to [his] discharge and was discharged honorably for Major Depression Disorder with anxiety." He further contends he is currently 100% service connected for bipolar disorder/traumatic brain injury (TBI) mixed.

d. The Licensed Clinical Psychologist AO at enclosure (2) determined Petitioner was appropriately referred for psychological evaluation, properly evaluated during his enlistment, and correctly diagnosed with personality disorder based on "observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinician." Further, temporally remote to his military service, the Department of Veterans Affairs (VA) listed personality disorder in Petitioner's problem list and granted service connection for TBI, post-traumatic stress disorder (PTSD), and other mental health conditions. The psychologist noted it is "possible that in-service stressors that were considered temporary have been re-conceptualized as prodromal symptoms of other conditions with the passage of time and additional understanding of Petitioner's mental health" but determined "there is insufficient evidence of error in the circumstances of Petitioner's separation from service for personality disorder, particularly given diagnosis and reported behavior in the VA records." Additionally, the AO stated there is "insufficient evidence to attribute the circumstances of his separation from service to TBI, PTSD, or another mental health condition other than personality disorder."

CONCLUSION

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

Specifically, the Board observed Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) describes his narrative reason for separation as "Personality Disorder." In keeping with the letter and spirit of current guidance, the Board determined it would be an injustice to label one's discharge as being for a diagnosed character, 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 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 DD Form 214.

Notwithstanding the recommended corrective action below, the Board determined Petitioner had no basis for medical discharge or retirement and denied his request. In keeping with the letter and spirit of the clarifying guidance derived from the Kurta and Vazirani memos, the Board gave liberal and special consideration to Petitioner's record of service and his contentions about any traumatic or stressful events experienced and their possible adverse impact on his service. In reaching its decision, the Board fully considered and applied the clarifying guidance. The Board observed that in order to qualify for military disability benefits through the Disability Evaluation System (DES) with a finding of unfitness, a service member must be unable to perform the duties of his/her office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if his/her disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting.

In reviewing Petitioner's record, the Board concluded the preponderance of the evidence does not support a finding that he met any of the criteria for unfitness at the time of his discharge. The Board found Petitioner failed to provide sufficient evidence to demonstrate he had an unfitting condition at the time he was discharged from active duty with a personality disorder.

The Board further considered that, to the extent Petitioner relied upon post-service findings by the VA, the VA does not make determinations as to fitness for service as contemplated within the service DES. Rather, eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated.

Accordingly, based on the foregoing, the Board denied Petitioner's requested relief.

RECOMMENDATION

In view of the above, the Board recommends the following partial corrective action be taken on

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Petitioner's naval record.

Petitioner be issued a new DD Form 214 indicating his narrative reason for separation as "secretarial authority," separation code as "JFF1," and separation authority as "MARCORSEPMAN 6421." No other changes will be corrected.

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.

6/17/2025

