



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
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ARLINGTON, VA 22204-2490

██████████
██████████ No. 797-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
XXX XX ██████████ USMC

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 3 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/ enclosures
(2) Advisory Opinion (AO) of 30 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 that his discharge be upgraded. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 18 July 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). Additionally, the Board considered the advisory opinion (AO) furnished by qualified mental health provider. Although Petitioner was afforded an opportunity to submit a rebuttal, he chose not to do so.

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. Although Petitioner did not file his application in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

b. Petitioner enlisted in the Marine Corps and began a period of active duty as a minor with parental consent on 17 July 2000. During the medical exam incident to his entrance processing, he denied any history of mental health concerns or headaches.

c. On 17 November 2000, Petitioner received medical care for an injury he incurred in his right eye while on the rifle range. He described that he felt something hot get into his eye which caused irritation and blurred vision.

d. On 29 January 2001, Petitioner received medical care for migraine headaches. He reported having experienced similar migraines all of his life.

e. On 1 February 2001, Petitioner received medical care for reported sleepwalking. He reported experiencing a depressed mood for approximately two weeks with a pre-service history of approximately one and a half years of depression; to include cutting his wrists with a razor. He was diagnosed with an Adjustment Disorder.

f. Petitioner's self-reported vision issues continued, and he was diagnosed with non-physiological vision loss. He was subsequently issued an administrative counseling warning, on 6 February 2001, advising him that he was being processed for administrative separation. He was notified of processing by reason of convenience of the government due to a physical condition, not a disability, after having been advised to correct his deficiencies. Petitioner was informed that he was being recommended for a discharge of General (Under Honorable Conditions) (GEN) and he did not submit a statement in rebuttal. On 28 February 2001, Petitioner was so discharged.

g. Petitioner contends that he was officially discharged due to an eye injury but that the processing occurred directly following a suicide attempt and that he was processed for separation rather than being provided treatment for his depression. He has since been diagnosed with Major Depressive Disorder, which has been determined by the Department of Veterans Affairs (VA) to be service connected and which the VA is treating. He submitted his full VA health record in support of his medical and mental health contentions.

h. Because Petitioner contends, in part, that a mental health condition affected his discharge, the Board also requested enclosure (2), the AO, for consideration. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His sleep disorder diagnosis was 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.

Temporally remote to his military service, the VA has granted service connection and provided treatment for another mental health condition. It is possible that in-service stressors that were considered temporary and resolved by separation have been re-conceptualized as prodromal symptoms of a depressive disorder with the passage of time and additional understanding of the Petitioner's mental health.

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However, there is insufficient evidence to attribute the circumstances of the Petitioner's separation from service to a mental health condition, particularly given his in-service report that his mental health symptoms had resolved prior to his separation from service.

The AO concluded, "There is post-service evidence of from the VA of a mental health condition that may be attributed to military service. There is insufficient evidence to attribute the circumstances of his separation from service to a mental health condition."

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, the Board determined that it would be an injustice to label one's discharge as being for a non-disability medical issue. 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 certain remedial administrative changes are warranted to the DD Form 214.

Notwithstanding the recommended corrective action below, the Board found Petitioner's assigned characterization of service to be appropriate. In this regard, the Board noted that Petitioner was ultimately processed for separation by reason of convenience of the government and his characterization of service should be type warranted by service record. Although Petitioner's proficiency and conduct marks met the bare minimum for an Honorable characterization, the Board observed that Petitioner's official military personal file (OMPF) and service health records clearly documented his failure to disclose a significant pre-service medical history of prolonged depression, self-mutilation, and chronic migraines. As a result, the Board found that his failure to properly disclose his pre-service medical history warranted processing for erroneous enlistment due to fraudulent enlistment, for which he could have received a discharge under Other Than Honorable conditions. Therefore, the Board found that Petitioner already received a large measure of clemency from the Marine Corps. The Board ultimately concluded that his commanding officer discretionarily opted to process him solely for convenience of the government as a treatment failure, to permit expeditious discharge in light of Petitioner's clear unsuitability for continued service, and that his GEN characterization was properly determined after taking into account his failure to disclose his pre-service medical history along with his non-physiological medical condition.

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

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

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That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 28 February 2001, he was discharged with a separation authority of "MARCORSEPMAN par 6214," narrative reason of "Secretarial Authority," and a separation code of "JFF1."

That no further changes be made to Petitioner's record.

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.

8/6/2025

