



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

██████████
Docket No. 858-25
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) USD Memo of 25 August 2017 (Kurta Memo)
(d) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Corrections of Naval Records (Board), requesting that his naval record be corrected to upgrade his characterization of service to Honorable and to make other conforming changes to his DD Form 214.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 29 August 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) through (d). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider. Although Petitioner was provided an opportunity to respond to the AO, 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.

b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

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

c. Petitioner enlisted in the U.S. Marine Corps and began a period of active service on or about 19 October 2009. Between approximately 15 January 2011 and 5 August 2011, Petitioner deployed to Afghanistan in support of Operation Enduring Freedom.

d. On both 15 October 2011 and 12 December 2011, Petitioner's command placed "Page 11" counseling entries (Page 11) in his service record where he acknowledged he was eligible, but not recommended, for promotion to Corporal (E-4) due to either his lack of maturity, judgment, leadership, and/or professionalism.

e. On 20 January 2012, Petitioner's command placed a Page 11 counseling entry in his service record documenting his disobedience of a direct order. The Page 11 advised him that a failure to take corrective action and any other acts of misconduct can result in administrative reduction, administrative separation, and/or limitation of further service.

f. On 30 January 2012, Petitioner's command placed a Page 11 counseling entry in his service record documenting his unauthorized absence (UA) from morning formation, and for also failing to provide paperwork to prove he was involved in a hit and run accident causing him to be UA. The Page 11 advised him that a failure to take corrective action and any other acts of misconduct can result in administrative reduction, administrative separation, and/or limitation of further service.

g. On 10 February 2012, Petitioner's command placed a Page 11 entry in his service record where he acknowledged he was eligible, but not recommended, for promotion to Corporal (E-4) for the March 2012 due to his lack of maturity.

h. On 14 February 2012, Petitioner received non-judicial punishment (NJP) for making a false official statement. Petitioner did not appeal the NJP.

i. On 10 April 2012, Petitioner's PTSD/TBI screening indicated he had been appropriately screened and evaluated but had not been diagnosed with either PTSD or TBI.

j. On 25 April 2012, Petitioner's command placed a Page 11 counseling entry in his service record documenting: (1) underage drinking, and (2) driving under the influence of alcohol (DUI). The Page 11 advised him that a failure to take corrective action and any other UCMJ violations may result in judicial or adverse administrative action, including, but not limited to, administrative separation.

k. On 30 April 2012, Petitioner's command notified him of administrative separation proceedings by reason of misconduct due to a pattern of misconduct. Petitioner consulted with counsel and waived his rights (in writing) to submit written statements, and to request a hearing before an administrative separation board. On the same day, Petitioner's commanding officer (CO) recommended to the Separation Authority (SA) that Petitioner receive an under Other Than Honorable conditions (OTH) characterization of service. Petitioner's CO specifically noted in his recommendation that Petitioner had not been diagnosed with either PTSD or TBI.

l. In the interim, on 14 May 2012, Petitioner's command placed a Page 11 entry in his service record documenting his UCMJ Article 91 (insubordinate conduct) and Article 92

(failure to obey a lawful order) violations. On 22 May 2012, Petitioner's command added another Page 11 entry documenting the Petitioner breaking restriction.

m. On 9 August 2012, the Staff Judge Advocate for the SA concluded that Petitioner's separation proceedings were legally and factually sufficient. On 15 August 2012, the SA approved and directed Petitioner's discharge for misconduct due to a pattern of misconduct with an OTH discharge characterization. Ultimately, on 22 August 2012, Petitioner was discharged from the Marine Corps for a pattern of misconduct with an OTH characterization of service and was assigned an RE-4 reentry code.

n. A licensed clinical psychologist (Ph.D.) reviewed Petitioner's contentions and the available records and issued an AO on 9 June 2025. As part of the Board's review, the Board considered the AO. The AO stated, in pertinent part:

Petitioner contends he incurred Post Traumatic Stress Disorder (PTSD) during military service, which may have contributed to the circumstances of his separation from service...Petitioner contended he incurred PTSD during military service following a combat deployment to Afghanistan.

In March 2012, the Petitioner was evaluated and diagnosed with Alcohol Abuse. He participated in IMPACT alcohol education classes in April 2012. He received no other mental health diagnosis.

In April 2012, he was formally counseled regarding disobedience by underage drinking and driving while under the influence of alcohol. He stated that he had been drinking more following deployment "not because of the deployment but because of a lot of stress and problems...going on back home...I was not drinking and driving. My car was pulled over to the side of the road."

In May 2012, the Petitioner was formally counseled for disrespectful behavior, disobedience by failure to slow to the proper speed for passing troops, and breaking restriction. He was convicted of DWI by civilian authorities. He was referred for a mental health evaluation after his friend commented on "recent changes in his behavior which may be related to his recent combat deployment" and diagnosed with a Reaction to Chronic Stress.

The Petitioner continued with follow-up mental health treatment from June to July 2012. His diagnoses were revised to Anxiety Disorder Not Otherwise Specified (NOS) and Secondary Insomnia. He was deemed psychiatrically fit for duty.

In August 2012, he continued with follow-up mental health treatment. He reported that "he was arrested by his girlfriend. She filed charges against him. She states that he left bruises. When he talked to police there were no pictures of bruises...He was trying to keep her from going outside drunk and driving." His mental health diagnoses remained unchanged and he was deemed psychiatrically fit for duty.

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]

[REDACTED] XXX XX [REDACTED] USMC

The Petitioner was evaluated diagnosed with mental health concerns during military service. Post-service, the VA has granted service connection for PTSD attributed to combat exposure. It is possible that mental health symptoms identified in service have been re-conceptualized as PTSD symptoms with the passage of time and increased understanding. Unfortunately, it is difficult to attribute his misconduct solely to symptoms of PTSD or another mental health condition given that he denies having engaged in much of the misconduct.

The Ph.D. concluded, "There is post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service. There is in-service evidence of mental health concerns. There is insufficient evidence that his misconduct may be attributed solely to PTSD or other mental health concerns related to military service."

o. Petitioner requested liberal consideration and clemency in the form of a discharge upgrade. In short, Petitioner contended he was suffering from post-traumatic stress disorder (PTSD) following his combat deployment in Afghanistan and his mental health condition merit liberal consideration of his request for relief along with clemency and equity consideration.

CONCLUSION:

Upon review and liberal consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Kurta, Hagel, and Wilkie Memos.

The Board initially determined that Petitioner's administrative separation for a pattern of misconduct was legally and factually sufficient, and in accordance with all Department of the Navy directives and policy at the time of his discharge.

Although the Board does not excuse or condone the Petitioner's cumulative misconduct, the Board determined that Petitioner's PTSD and resulting symptoms mitigated some of the misconduct used to characterize his discharge. The Board concluded that the Petitioner's mental health-related conditions and/or symptoms as possible causative factors in the misconduct contributing to his discharge and characterization were not outweighed by the severity of Petitioner's misconduct. With that being determined, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner's service as having been with an OTH, and that a discharge upgrade to "General (Under Honorable Conditions)" (GEN) and no higher, based on liberal consideration of mental health considerations is appropriate at this time.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an Honorable discharge characterization. The Board did not believe that the Petitioner's record was otherwise so meritorious to deserve an honorable discharge. The Board concluded that

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]

[REDACTED] XXX XX [REDACTED] USMC

significant negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record even under the liberal consideration standard for mental health conditions. The Board believed that, even though flawless service is not required for an Honorable discharge, in this case a GEN discharge and no higher was appropriate. The Board determined the record reflected that Petitioner's misconduct was intentional and demonstrated he was unfit for further service. The Board also concluded that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should not otherwise be held accountable for his actions. Additionally, even in light of the Wilkie Memo, the Board still concluded, after reviewing the record holistically, given the totality of the circumstances and purely as a matter of clemency and equity, that the Petitioner only merits a GEN characterization of service and no higher.

Lastly, the Board did not find a material error or injustice with the Petitioner's original RE-4 reenlistment/reentry code, narrative reason for separation, and separation code. The Board concluded the Petitioner was assigned the correct reentry code, narrative reason for separation, and separation code based on the totality of his circumstances, and that such reentry code, narrative reason for separation, and separation code as listed on Petitioner's DD Form 214 were entirely proper and in compliance with all Department of the Navy directives and policy at the time of his discharge. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

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

That Petitioner shall be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 22 August 2012, indicating he was discharged with a "General (Under Honorable Conditions)" characterization of service.

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 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.

9/3/2025

