



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

██████████  
Docket No. 0893-25  
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) USD Memo of 25 Aug 17 (Kurta Memo)  
(c) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Naval record (excerpts)  
(3) Advisory Opinion of ██████████

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 discharge be changed to Honorable.

2. The Board consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 28 July 2025 and, pursuant to its regulations, determined that 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 Petitioner's naval service records, and applicable statutes, regulations, and policies including references (b) and (c). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional. 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 U.S. Marine Corps and began a period of active duty on 13 March 2007.

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c. On 17 September 2007, Petitioner was diagnosed with Personality Disorder. His diagnosis continued through December 2007; at which time he was also diagnosed with a Depressive Disorder.

d. On 18 September 2007, Petitioner received nonjudicial punishment (NJP) for larceny and wrongful appropriation from another Marine.

e. He was subsequently notified of his pending administrative processing by reason of personality disorder; at which time he waived his procedural rights to consult with military counsel and to have his case heard before an administrative discharge board.

f. On 26 December 2007, the Separation Authority directed Petitioner be discharged with a General (Under Honorable Conditions) (GEN) characterization and he was so discharged on 25 January 2008.

g. Petitioner contends that he was discharged due to a personality disorder while experiencing symptoms of depression. He asserts that he was not provided with an official mental health diagnosis at the time of discharge or thereafter. Petitioner further argues that, under current standards, such circumstances would warrant an Honorable discharge. Therefore, Petitioner requests that his discharge status be upgraded accordingly.

h. For purposes of clemency and equity consideration, Petitioner provided a DD Form 149 and his DD Form 214.

i. Because Petitioner contended that he incurred a mental health condition that may have impacted his conduct, the Board considered the AO. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated on multiple occasions. His personality disorder and adjustment disorder diagnoses were 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 clinicians. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. An adjustment disorder diagnosis typical resolves when the stressor, such as military service, is removed. His in-service misconduct appears to be consistent with his diagnosed personality disorder, rather than evidence of another mental health condition incurred in or exacerbated by military service.

The AO concluded, "There is in-service evidence of a diagnosis of a mental health condition that may be attributed to military service (adjustment disorder). There is insufficient evidence of error in the in-service diagnosis."

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CONCLUSION:

Upon careful review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of the Kurta and Wilkie Memos, the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and 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 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).

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned characterization of service remains appropriate. 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 Wilkie and Kurta Memos. These included, but were not limited to, Petitioner's desire for a discharge upgrade and the previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and found that his conduct showed a complete disregard for military authority and regulations. The Board found Petitioner's conduct to be particularly aggravating since he targeted a fellow Marine for larceny. Additionally, the Board concurred with the AO that Petitioner's in-service misconduct appears to be consistent with his diagnosed personality disorder. Therefore, the Board determined that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should not be held accountable for his actions. Moreover, even if the Board assumed that Petitioner's misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of his serious misconduct more than outweighed the potential mitigation offered by any mental health conditions. Additionally, the Board determined Petitioner already received a large measure of clemency when his command processed for his personality disorder rather than commission of a serious offense. Based on his larceny and misappropriation offenses, the Board determined Petitioner conduct qualified for an Other Than Honorable characterization of service and his command already took into consideration his mental health issues.

Given these factors, the Board determined that additional clemency was not warranted. Therefore, even in light of the Wilkie and Kurta Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting the Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity.

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Finally, the Board determined Petitioner's assigned reentry code remains appropriate considering his original basis for separation. 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 directs the following corrective action:

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 25 January 2008, he was discharged with a narrative reason for separation of "Secretarial Authority," SPD code of "JFF1," and separation authority of "MARCORSEPMAN par 6214."

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 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.

8/6/2025

