



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

██████████
Docket No. 0923-25
Ref: Signature Date

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Dear ██████████

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 4 August 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 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade 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 determination (Wilkie Memo). The Board also considered the advisory opinion (AO) furnished by a qualified mental health professional and your response to the AO.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case on the evidence of record.

This Board previously denied your request for an upgrade to your characterization of service on 17 September 2008. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

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, change your narrative reason for separation to reflect Post Traumatic Stress Disorder (PTSD), expunge your summary court-martial dated 15 May 1984, expunge your special court-martial dated 2 January 1985, correcting your paygrade to Lance Corporal (LCpl/E-3), and grant any other relief the board deems just and proper. You contend that you incurred mental health issues, specifically PTSD, during your military service, stemming from the bombing of the United States Marine Corps Headquarters in ██████████, ██████████, in October 1983. For purposes of clemency and equity consideration, the Board considered the totality of your application, which included your DD Form 149 and the evidence you provided in support of it.

Based on your assertions that you incurred mental health issues (PTSD) during military 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 30 May 2025. The AO stated in pertinent part:

There is no evidence that the Petitioner suffered from a mental health condition or that he exhibited any symptoms of a mental health condition while in military service. There is evidence that he was diagnosed post-service with PTSD and has compelling letters from fellow Marines and commanding officers who served with him in Beirut. It is possible that smaller periods of UA could have been caused by avoidance and some trauma response symptoms of PTSD; however, repetitive misconduct despite warning as well as wrongful appropriating a vehicle exceed that which would be expected to be caused by PTSD symptoms alone. 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 sufficient evidence of a mental health condition that existed in service. There is insufficient evidence to attribute *all* of his misconduct to a mental health condition."

In response to the AO, you submitted additional evidence in support of your case. After reviewing your rebuttal, the AO remained unchanged.

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 nonjudicial punishment, summary court-martial, special court-martial, and civilian conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard for military authorities and regulations. The Board further noted that you were afforded multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your discharge under Other Than Honorable conditions. The Board found that your actions not only reflected a clear pattern of misconduct but were also sufficiently pervasive and

serious to have a detrimental impact on the good order and discipline of your command. In addition, the Board considered the likely discrediting effect your civilian conviction had on the Marine Corps.

The Board also concurred with the AO that, although there is sufficient evidence of a mental health condition that existed in service, there is insufficient evidence to attribute all of your misconduct to a mental health condition. As explained in the AO, while it is possible that smaller periods of unauthorized absence could have been caused by avoidance and some trauma response symptoms of PTSD, repetitive misconduct despite warning exceed that which would be expected to be caused by PTSD symptoms alone. The Board also agreed that the wrongful appropriation of a vehicle is not typical of the conduct caused by PTSD. Therefore, 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.

As a result, the Board determined that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

8/15/2025

