



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

██████████
Docket No. 1366-25
Ref: Signature Date

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████████████████

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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.

Although you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 8 July 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 Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)/mental health condition (MHC) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). In addition, the Board considered an advisory opinion (AO) from 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 based on the evidence of record.

You enlisted in the U.S. Marine Corps Reserve and began a period of active duty on 3 June 1992. On 2 October 1992, you received non-judicial punishment (NJP) for four days unauthorized absence (UA). On 18 December 1992, you were released from active duty at the completion of your initial duty for training and assigned to your Reserve unit. For the months of

May 1994 to July 1994 and September 1994, you were eligible but not recommended for promotion to corporal due to lack of maturity. In October 1995, you were eligible but not recommended for promotion to the rank of corporal due to lack of MOS proficiency. On 10 February 1996, you were issued a counseling warning, for being tardy and informed that continued tardiness would lead to admin or disciplinary action. On 20 April 1996, you were reduced in rank from lance corporal to private first class.

Unfortunately, some documents pertinent to your administrative separation are not legible. Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. On 19 March 1997, the commanding officer notified you by letter that you were separated for failure to participate with an Other Than Honorable (OTH) characterization of service.

The Board carefully considered all potentially mitigating factors to determine whether the interests 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 for a discharge upgrade and correction in rank to lance corporal. You contend that, for unknown reasons at the time, you were experiencing constant anger and symptoms of mood disorder, anxiety and depression. You believe these conditions contributed greatly to the result of your discharge. You also contend that you did not have a vehicle and, due to your bad relations, no one wanted to give you a ride to the unit. You further contend that you completed most of your obligation with Honor but could not continue despite only having about a year or so to complete your service. You realized that you were a detriment to the unit and lost your ability to function. 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.

As part of the Board review process, a licensed clinical psychologist (Ph.D.) reviewed your contentions and the available records and issued an AO on 19 May 2025. The Ph.D. stated in pertinent part:

Petitioner submitted Department of Veterans Affairs (VA) records which demonstrated evaluation and treatment from July 2022 to October 2024, and noted that he “endorsed history of childhood trauma.” A primary mental health diagnosis of Borderline Personality Disorder was listed. Additional diagnoses of Adjustment Disorder with Mixed Anxiety and Depressed Mood; Major Depressive Disorder, recurrent, moderate; and Generalized Anxiety Disorder were noted. While he endorsed traumatic events during screening, he was not assigned a diagnosis of PTSD. “He denies combat experience. He thinks his military experience was ‘very abusive’ and was being called ‘a pig.’”

Petitioner provided evidence of civilian treatment from June 2006 to April 2007 for Obsessive Compulsive Disorder, with a history of depression.

There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral

changes indicative of a diagnosable mental health condition. While he has reported symptoms of PTSD on post-service self-report measures, he has not received a formal diagnosis of PTSD from a medical provider. He has been diagnosed with a personality disorder and other mental health concerns post-service. A personality disorder diagnosis indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. His failure to participate appears consistent with his diagnosed characterological concerns, rather than evidence of PTSD or another mental health condition incurred in or exacerbated by military service. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The Ph.D. concluded, "There is insufficient evidence of a diagnosis of PTSD or another mental health condition that may be attributed to military service in part. There is insufficient evidence to attribute his misconduct to PTSD or another mental health condition, other than personality disorder."

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

After thorough review, the Board concluded that your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP and failure to participate in your required drills, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. The Board also considered that you failed to fulfill your contractual obligation to the Marine Corps and that unexpectedly absenting yourself from your command placed an undue burden on your chain of command and fellow service members, and likely negatively impacted mission accomplishment. Further, the Board concurred with the AO and determined there is insufficient evidence to attribute your misconduct to PTSD or another mental health condition, other than personality disorder. As explained in the AO, your failure to participate appears consistent with your diagnosed characterological concerns, rather than evidence of PTSD or another mental health condition incurred in or exacerbated by military service. 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.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. 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 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 attaches 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,

7/18/2025

