



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

██████████
Docket No. 1528-25
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) dtd 20 Jun 25
(3) Rebuttal to AO dtd 29 Aug 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 to “General (Under Honorable Conditions)” (GEN) and that his narrative reason for separation, separation authority, and separation code be changed to reflect “Secretarial Plenary Authority” or a similar reason. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 5 September 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 enclosure (2), the advisory opinion (AO) furnished by qualified mental health provider, and enclosure (3), Petitioner's response to the AO.

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 reference (d).

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

b. Petitioner enlisted in the Marine Corps and began a period of active duty on 17 November 1997.

c. From June 1999 through November 1999, Petitioner was not recommended for promotion due to a pending legal matter from an off-base incident (an excessive speeding traffic citation) and also due to immaturity, lack of responsibility, and lack of the leadership qualities of a noncommissioned officer.

d. On 10 January 2000, Petitioner was issued administrative counseling for disobeying a direct order issued by a gunnery sergeant to remain at the squadron to complete a urinalysis and for failing to provide a urine sample.

e. In February of 2000, Petitioner was referred to a physical evaluation board (PEB) for a knee injury. The referral also referenced depressive symptoms.

f. On 17 July 2000, a message from the Naval Drug Laboratory reported Petitioner's urinalysis test sample positive for marijuana use. Consequently, he was convicted by Summary Court-Martial for a single charge and specification of violating Article 112a of the Uniform Code of Military Justice (UCMJ) due to his wrongful use of a controlled substance.

g. A memorandum from Petitioner's Sergeant Major reported that his marijuana use had resulted from his excessive use of alcohol and that he had admitted he must have used marijuana while intoxicated.

h. On 18 September 2000, Petitioner was notified of processing for administrative separation by reason of misconduct due to drug abuse and elected to voluntarily waive his right to a hearing before an administrative separation board.

i. The recommendation for Petitioner's discharge under Other Than Honorable (OTH) conditions was approved by the separation authority and he was so discharged on 20 October 2000.

j. Petitioner contends that he experienced trauma during his military service when his closest friend tragically died in a duty-related accident. Specifically, he witnessed his friend crushed when he was working underneath a [REDACTED] that fell on him. Four days later, he observed a noncommissioned officer being hit by a car as he was crossing the street during a liberty outing. Petitioner asserts he still has vivid memories and recurring nightmares of these events and experiences symptoms of post-traumatic stress disorder (PTSD). For the purpose of clemency and equity consideration, in addition to his legal counsel's brief and his personal affidavit, Petitioner submitted evidence of his disability rating and decision by the Department of Veterans Affairs (VA), a favorable VA character of discharge decision, seven letters of support, information about his personal business with client testimonials, his service health records, his official military personnel file (OMPF), memorial information regarding the deceased Marines, training records, and photos.

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

k. Because Petitioner contends that PTSD or another mental health condition affected the circumstances of his misconduct, the Board also requested enclosure (2) for consideration. The AO stated in pertinent part:

Petitioner was evaluated during military service and reported mental health symptoms, although there is no evidence of a formal diagnosis. Temporally remote to his military service, he has been granted service connection for PTSD and other mental health concerns. It is possible that problematic alcohol use may have increased as an unsuccessful self-medication in the context of mental health symptoms. However, the Petitioner denied problematic alcohol use in service. It is difficult to attribute his substance use to self-medication given his denial of intentional use. Additionally, the Petitioner's service record indicates that he had been accused of malingering, which raises doubts regarding his candor.

The AO concluded, "There is in-service evidence of mental health symptoms that may be attributed to military service. There is post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to a mental health condition."

l. Petitioner's rebuttal to the AO provided an alternative medical opinion, a psychologist's letter, and information on self-medication of depression, anxiety, and stress with alcohol or drugs. After a review of the Petitioner's rebuttal evidence, the AO remained unchanged.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief. The Board reviewed the application under the guidance provided in references (b) through (e).

The Board noted Petitioner's drug abuse misconduct and does not condone it. Further, the Board found no error with Petitioner's administrative separation for drug abuse or his assigned characterization of service. Moreover, the Board applied liberal consideration to Petitioner's claim that he suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which Petitioner was discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO. Nevertheless, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by his mental health condition. In this regard, the Board agreed with the AO that there was insufficient information available upon which to make such a conclusion.

Regardless, the Board found Petitioner's in-service mental health concerns, traumatic experiences, and in-service injury sufficiently mitigating to outweigh the severity of the single confirmed instance of drug abuse which resulted in his administrative discharge under OTH conditions. In this regard, the Board also noted that his proficiency and conduct marks reflected otherwise Honorable service in spite of the six months during which he was not recommended

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

for promotion to corporal. Accordingly, in the interests of justice, purely as a matter of clemency and equity, the Board determined Petitioner's characterization of service should be changed to GEN and his reason for separation be changed to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record, even under the liberal consideration standards for mental health conditions, and that a GEN discharge characterization and no higher was appropriate. Further, the Board also found that Petitioner's assigned reentry code remains appropriate in light of his drug related discharge and unsuitability for further military service. Ultimately, the Board determined 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:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 20 October 2000, Petitioner was discharged with a "General (Under Honorable Conditions)" characterization of service, under the authority of "MARCORSEPMAN par 6214," for the narrative reason of "Secretarial Authority," with 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.

9/29/2025

