



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

██████████
Docket No. 1643-25

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,
USN, XXX-XX-██████████

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 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion of 29 May 25

1. Pursuant to the provisions of reference (a), a family member of the Petitioner, who is a deceased member of the Navy, filed enclosure (1) requesting Petitioner's discharge be changed to a medical discharge. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 7 July 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 (e). Additionally, the Board considered enclosure (4), an advisory opinion (AO) furnished by qualified mental health provider, which was considered favorable to Petitioner.

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.

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- c. Petitioner enlisted in the Navy and began a period of active service on 4 March 2005.
- d. On 8 November 2005, Petitioner reported a history of depression and indicated he was currently under treatment.
- e. On 7 September 2008, Petitioner was admitted to Naval Hospital [REDACTED] from the [REDACTED], hospital following a suicide attempt by carbon monoxide poisoning. At that time, he indicated to medical providers he had experienced suicide ideation during the past several weeks due to infidelity on the part of his wife, domestic violence, and a pending divorce.
- f. On 30 October 2008, Petitioner was again seen at medical with symptoms of irritability. He reported financial and work worries, and stress resulting from his pending separation from the Navy in relation to legal, financial, and occupational problems. He stated he was worried about seeking a new job and was facing divorce. He was diagnosed with Adjustment Disorder with Disturbance of Emotions and Conduct, and Antisocial Personality Disorder. He was also assessed for current suicidal and homicidal ideation, which he denied. The doctor determined his suicide or homicide risk at that time to be low to moderate.
- g. On 2 October 2008, Petitioner's urinalysis tested positive for use of marijuana.
- h. On 6 November 2008, he received non-judicial punishment (NJP) for wrongful use of marijuana and notified of intended administrative separation processing for misconduct – drug abuse. He waived all rights available to him but for the right to obtain copies of documents used in the separation process.
- i. On 8 December 2008, his commanding officer recommended his separation with an Under Other than Honorable Conditions (OTH) characterization of service. He was so discharged on 22 December 2008.
- j. In December 2014, Petitioner died by self-inflicted gunshot wound.
- k. Petitioner contends, through his family member, that he was still suicidal and suffering from depression when released from [REDACTED] and sent back to duty. Shortly after returning to duty, he was discharged for using marijuana. Once back home, he took his own life. For purposes of clemency and equity consideration, Petitioner provided documents necessary to apply for relief on Petitioner's behalf.
- l. As part of the Board's review, the Board considered enclosure (4). The AO states in pertinent part:

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated, including during an inpatient hospitalization. His personality disorder and other mental health 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

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clinician. An Adjustment Disorder is generally resolved once the stressor, such as military service, is resolved. However, it is possible that his marijuana use and disobedience could be considered behavioral indicators of his mental health concerns.

The AO concluded, "There is in-service evidence of mental health concerns that may be attributed to military service. There is post-service evidence that his misconduct may be attributed to a mental health condition."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief.

The Board found no error with Petitioner's administrative separation and assigned characterization of service. However, in keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, and in concurrence with the AO, the Board determined Petitioner's mental health condition mitigated, and was not outweighed by, the misconduct used to characterize his discharge. Therefore, the Board concluded no useful purpose is served by continuing to characterize Petitioner's service as having been under OTH conditions and that a discharge upgrade to General (Under Honorable Conditions) (GEN) is appropriate at this time. In light of this determination, the Board additionally decided it was appropriate to change Petitioner's narrative reason for separation, separation authority, and separation code to reflect Secretarial Authority.

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.

Additionally, the Board determined Petitioner's reentry code remain appropriate in light of his record of misconduct.

Finally, as discussed above, the Board determined Petitioner's discharge for drug abuse was supported by the record. Therefore, the Board also determined Petitioner was not eligible for a "medical" discharge based on his disability conditions. Applicable service regulations directed misconduct based administrative separation processing to supersede disability processing. In addition, the Board noted the medical evidence did not support his referral to the Disability Evaluation System.

Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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RECOMMENDATION

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 22 December 2008, indicating he was discharged with a "General (Under Honorable Conditions)" characterization of service, separation authority of "MILPERSMAN 1910-164," separation code of "JFF," and narrative reason for separation of "Secretarial Authority."

That no further changes be made to Petitioner's record.

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 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.

7/23/2025

