



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

██████████
Docket No. 2272-25
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 25 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 this 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, and 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) (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). The Board also considered the advisory opinion (AO) furnished by a qualified mental health professional. Although you were provided an opportunity to respond to the AO, you chose not to do so.

You enlisted in the Marine Corps and commenced active duty on 26 June 1978. You received an Honorable (HON) discharge upon transfer to the Marine Corps Reserves on 25 June 1982.

You reenlisted and began a second period of active duty on 28 February 1984. On 14 December 1984, you were issued an administrative remarks (Page 11) counseling concerning your continuous domestic problems and failure to adequately support your dependents. You were advised to seek professional counseling to resolve personal problems and support your dependents. On 17 January 1985, you received a second Page 11 counseling concerning your failure to provide adequate support for your dependents. On 27 February 1985, you received

non-judicial punishment (NJP) for unauthorized absence (UA) totaling two days. After you appealed, your awarded punishment was suspended for six months. However, on 28 March 1985, you received a second NJP for UA lasting approximately six hours.

Consequently, you were recommended for administrative separation for pattern of misconduct based on your repeated failure to adequately support your dependents, failure to comply with court orders, and failure to heed counseling. The Staff Judge Advocate found your separation to be sufficient in law and fact. Ultimately, the separation approved your separation with a General (Under Honorable Conditions) (GEN) and you were so discharged on 6 April 1985.

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 Memo. These included, but were not limited to, your desire to upgrade your discharge characterization and your contentions that your PT scores were always the best, you held the rank of E5 prior to your second enlistment, and your second enlistment ended due to you catching your wife in bed with another Marine. You further contend you were unfairly discharged due to bad information, have never been arrested, have been an honorable citizen, are a six-year member of the Board of Zoning and Planning for the City of ██████████, and that you want to “die honorable.” For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and a Department of Veterans Affairs (VA) Statement in Support of Claim.

As part of the Board’s review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO on 24 June 2025. The AO noted in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service. Temporally remote to his military service, the VA has granted service connection for PTSD. There are some inconsistencies between his service record and his current report, which raise doubt regarding the reliability of his recall. Unfortunately, available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with his misconduct, particularly given dependent financial support issues present prior to his re-enlistment which continued after he returned to military service.

The AO concluded, “There is some post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence to attribute his misconduct to PTSD or another mental health condition.”

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your two NJPs and administrative counselings, 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 observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your GEN discharge. Your conduct not only showed a pattern

of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command.

Additionally, the Board concurred with the AO that, although there is some post-service evidence from the VA of a diagnosis of PTSD that may be attributed to your service, there is insufficient evidence to attribute your misconduct to PTSD or another mental health condition. As the AO noted, there is no evidence that you were diagnosed with a mental health condition while in military service and the available records are not sufficiently detailed to establish clinical symptoms in service or provide a connection with your misconduct. 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.

Finally, the Board determined that you already received a large measure of clemency when the Marine Corps assigned you a GEN characterization of service despite your record of misconduct. The Board concluded that significant negative aspects of your second enlistment period outweighed the positive aspects and support your assigned characterization of service.

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,

9/3/2025

Executive Director

Signed by: 