



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 3109-25

Ref: Signature Date

[REDACTED]

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 5 December 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). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider and your AO rebuttal submission.

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 and began a period of active duty service on 1 November

1983. Your pre-enlistment physical examination, on 26 September 1983, and self-reported medical history both noted no psychiatric or neurologic issues, history, or symptoms. Following a period of continuous Honorable service, you immediately reenlisted on 17 October 1987.

On 12 February 1988, your command issued you a "Page 11" counseling warning (Page 11) documenting your alcohol-related incident and physical altercation in a public establishment. You elected not to submit a rebuttal statement.

On 29 February 1988, you received non-judicial punishment (NJP) for forgery when you falsely altered a medical chit to excuse yourself from a scheduled forced march. You did not appeal your NJP.

On 17 May 1988, your command issued you a Page 11 documenting certain disorderly conduct in the BEQ which resulted in you having been involved in a physical altercation with a female Army Private. The Page 11 advised you that a failure to take corrective action may result in administrative separation or judicial proceedings. You elected not to submit a rebuttal statement.

On 5 August 1988, your command issued you a Page 11 documenting your tardiness and overall attitude. The Page 11 advised you that a failure to take corrective action may result in administrative separation or judicial proceedings. You elected not to submit a rebuttal statement.

On 6 September 1988, your command issued you a Page 11 documenting your frequent involvement with military authorities, continuous tardiness, and disregard for established procedures. The Page 11 advised you that a failure to take corrective action may result in administrative separation or judicial proceedings.

On 14 September 1988, you received NJP for an unauthorized absence. You did not appeal your NJP.

On 26 September 1988, your command notified you of administrative separation proceedings by reason of misconduct due to a pattern of misconduct. You consulted with counsel and elected your right to submit a written statement but you waived your right to request a hearing before an administrative separation board.

Your separation physical examination, on 29 September 1988, and self-reported medical history both noted no psychiatric or neurologic issues, history, or symptoms. You specifically stated, "I'm in good health and very healthy" on your medical history form. Ultimately, on 30 September 1988, you were separated from the Marine Corps for misconduct with an under Other Than Honorable conditions (OTH) discharge characterization and assigned an RE-4 reentry code.

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 change to your reason for separation. You contend that: (a) you understand what took place as a young man, being separated into overseas duties and responsibilities, and experiencing some major

mental, emotional and physical due to unfortunate family deaths, abandonment and neglected both by former spouse and also immediate death of both parents did contribute a significant blow to your mental and emotional and physical process and understanding of essential responsibilities in your own life and your loved ones, (b) the behavior you displayed was perpetrated due to these breakdowns, (c) you are seeking to request all of the possibilities to reverse these actions based on what you have shared previously due to a severe emotional and mental breakdown serving both overseas and two immediate deaths within your family and your former spouse having a relationship outside of your marriage, (d) you were dealing with both mental and PTSD at the time of these manifested behaviors, and you were not accessing or using your support resources or helpline to deal with your mental issues, (e) you are currently remodifying yourself by being productive, a contributing member of your society, and being an important contributing member to your community and family, as a business owner and also a teaching pastor at a local church and volunteer, (f) your misconduct began after your untreated mental health decline due to the death of several close family members and your wife's infidelity with your best friend, and such misconduct was likely the result of undiagnosed and untreated PTSD, (g) you have been unjustly stigmatized and harmed by the OTH, and (h) your misconduct occurred more than thirty-seven (37) years ago and mostly consisted of actions related to a decline in mental health and substance seeking behavior such as drunken and disorderly behavior, tardiness, unexcused absences and attempts to avoid a march during a period you felt emotionally overwhelmed. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and the evidence you provided in support of your application.

A licensed clinical psychologist (Ph.D.) reviewed your contentions and the available records and issued an AO on 16 July 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

Petitioner contends he incurred Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), and other mental health concerns during military service, which may have contributed to the circumstances of his separation...Petitioner contended he incurred PTSD and other mental health symptoms during military service due to personal stressors, including the untimely deaths of two family members and infidelity of his spouse.

In November 1987, he was referred for a psychiatric evaluation for "depressive symptoms in the context of multiple personal problems." He denied experiencing mental health symptoms and reported that transient symptoms experienced at the time of referral were manageable without additional assistance. He received no mental health diagnosis and was returned to duty.

He denied mental health symptoms during his discharge physical.

Petitioner was appropriately referred for a mental health assessment and properly evaluated during his military service. He denied experiencing clinically significant symptoms that would warrant a diagnosis. There is no evidence that he was diagnosed with PTSD or another mental health condition in military service,

although there is some evidence that may indicate an alcohol use disorder. There is NO evidence of a head injury or symptoms consistent with TBI. The Petitioner has provided no medical evidence to support his claims. Unfortunately, available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with his misconduct, particularly given his repeated denial of mental health symptoms in service.

The Ph.D. concluded, "There is insufficient evidence of a diagnosis of PTSD, TBI, or another mental health condition that may have been present during military service. There is insufficient evidence that his misconduct may be attributed to PTSD, TBI, or another mental health condition"

Following a review of your AO rebuttal submission, the Ph.D. modified their original AO to conclude, "There is post-service civilian evidence of diagnoses of PTSD and other mental health concerns that may be attributed to military service. There is insufficient evidence to attribute his misconduct solely to PTSD or another mental health condition."

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In accordance with the Hagel, Kurta, and Wilkie Memos, the Board gave liberal and special consideration to your record of service and your contentions about any traumatic or stressful events you experienced and their possible adverse impact on your service. However, the Board concluded that there was no convincing evidence of any nexus between any TBI, mental health conditions and/or related symptoms and your misconduct, and determined that there was insufficient evidence to support the argument that any such TBI and/or mental health conditions mitigated the misconduct that formed the basis of your discharge. As a result, the Board concluded that your misconduct was not due to TBI or mental health-related conditions or symptoms. Even if the Board assumed that your misconduct was somehow attributable to TBI or any mental health conditions, the Board unequivocally concluded that the severity of your cumulative misconduct far outweighed any and all mitigation offered by such mental health conditions. Additionally, the Board determined the record reflected that your misconduct was intentional and willful, and demonstrated you were unfit for further service. The Board further 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.

The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined that characterization under OTH conditions is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a Marine.

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 in 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,

12/15/2025

