



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

██████████  
Docket No. 3940-25  
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 your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 April 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, and applicable statutes, regulations, and policies, to include 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 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 you began a period of active duty service on 19 January 2009. Your pre-enlistment physical examination, on 22 October 2008, and self-reported medical history both noted no psychiatric or neurologic symptoms, conditions or issues.

On 20 October 2009, your command issued you a "Page 11" counseling sheet (Page 11) documenting your two (2) separate instances of failing to obey a lawful order and for making a false official statement. The Page 11 advised you that you could be recommended for an

administrative separation if further violations occur. You elected not to submit a rebuttal statement.

On 30 October 2009, your command issued you a Page 11 documenting your diagnosed condition that did not amount to a disability, namely: an adjustment disorder with mixed disturbance of emotions and conduct, alcohol dependence, cannabis abuse (in remission), and polysubstance abuse (in remission).

On 11 November 2009, your command notified you that you were being processed for an administrative discharge from the Marine Corps by reason of “condition, not a disability.” The basis for your separation was your condition (adjustment disorder with mixed disturbance of emotions and conduct, alcohol dependence, cannabis abuse (in remission), polysubstance abuse (in remission), and a personality disorder not otherwise specified with borderline traits); which was so severe that your ability to function effectively in the military environment was significantly impaired. You elected in writing to waive your rights to consult with counsel and to include rebuttal statements to the proposed separation.

On 13 November 2009, your commanding officer (CO) recommended that you receive a General (Under Honorable Conditions) (“GEN) discharge characterization. In his recommendation to the Separation Authority (SA), your CO noted, in part:

[Petitioner] possesses a condition not a disability (Adjustment disorder with mixed disturbance of emotions and conduct, alcohol dependence, cannabis abuse, in remission, polysubstance abuse, in remission, personality disorder NOS with borderline traits) that is so severe as to impair his ability to complete his required entry-level training. Consequently, SNM does not possess the ability to continue active service in the Marine Corps.

On 20 November 2009, the SA approved and directed your Honorable discharge by reason of convenience of the government due to a physical condition not a disability (adjustment disorder with mixed disturbance of emotions and conduct, alcohol dependence, cannabis abuse, in remission, polysubstance abuse, in remission, and personality disorder NOS with borderline traits), with an “RE-4” reentry code, and a separation code of “JFV1.” Ultimately, on 23 November 2009, you were so discharged. In this regard, you were assigned the correct characterization, narrative reason for separation, and reentry code based on your factual situation.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire for a change to your reentry code and contentions that: (a) you were separated from the Marine Corps following an injury sustained at the School of Infantry, ██████████, (b) such injury was not permanent, nor did it result in any form of disability, (c) your RE-4 reenlistment code does not accurately reflect your circumstances, nor does it align with the Honorable discharge you received, (d) your reentry code has resulted in an unfortunate barrier to further service, despite your continued fitness, qualifications, and unwavering commitment to the military, (e) post-service, you have successfully rehabilitated,

achieving full physical fitness and maintaining an active, disciplined lifestyle, (f) beyond your personal fitness, you have developed a successful career as a business owner and leader, applying the grit, discipline, and leadership instilled in you by the Marine Corps to positively impact your community and your team, and (g) today you are even a stronger candidate for military service than you were upon your initial enlistment, in that you remain physically, mentally, and professionally prepared to serve your country again, bringing greater experience, leadership, and dedication to the role. For purposes of clemency and equity consideration, the Board considered the entirety of the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board determined that your Marine Corps service records and DD Form 214 maintained by the Department of the Navy contained no known errors. Based on your precise factual situation and circumstances at the time of your discharge, the Board concluded that your command was justified in separating you with an RE-4 reentry code. Moreover, the Board also noted that your administrative separation had nothing to do whatsoever with you sustaining an injury but was related to your diagnosed adjustment disorder and personality disorder. Therefore, the Board concluded that your administrative separation was legally and factually sufficient and that no error materially prejudicial to your substantial rights was committed. Finally, absent a material error or injustice, the Board declined to summarily change a reentry code solely for the purpose of facilitating veterans' benefits, or enhancing educational, employment, or enlistment opportunities.

As a result, the Board determined that there was no impropriety or inequity in your discharge and reentry code, and concluded that your adjustment disorder and personality disorder clearly merited your discharge with an RE-4 reentry code. While the Board carefully considered the evidence you submitted in mitigation and commends you for your desire to serve in the military, even in light of the Wilkie Memo and reviewing the record 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. 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,

4/29/2025

