DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

[redacted]
Docket No. 4677-25
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 18 November 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 and your response to the AO.

Prior to the beginning of your enlistment, on 7 February 1995, you underwent a medical evaluation which noted a potential diagnosis for a preexisting cardiac medical condition. On 6 March 1995, you began a period of active duty in the Marine Corps. On 20 March 1995, you underwent a diagnostic medical evaluation and was diagnosed with bicuspid aortic valve and regorge. Based on the medical physician's observation and diagnosis you were recommended for administrative separation. The medical physician found that you did not meet the minimum standards for enlistment.

Subsequently, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of defective enlistment and induction due to erroneous

enlistment as evidenced by your preservice medical condition. You were advised of your procedural rights and waived your right to consult counsel and to submit a written statement in rebuttal to your recommendation for administrative separation. Ultimately, the separation authority directed your Uncharacterized Entry Level Separation (ELS) from the Marine Corps by reason of defective enlistment and induction (erroneous medical heart murmur) and you were so discharged on 27 March 1995.

Post-discharge, you applied to this Board for a correction to your narrative reason for separation. On 14 June 2024, the Board granted you relief in the form of changing your narrative reason for separation to Secretarial Authority, separation authority to MARCORSEPMAN par. 6214, and SPD code to JFF1.

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 to upgrade your discharge character of service to Honorable and contentions that: (1) your service was fully Honorable in intent, conduct, and performance, (2) your separation was involuntary and through no fault of your own, (3) your status as a veteran is now officially recognized by the Department of Veterans Affairs (VA), (4) new and relevant evidence supports your request, and (5) by retaining the uncharacterized label perpetuates an administrative injustice. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

As part of the Board's review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 13 August 2025. The AO stated in pertinent part:

> There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Temporally remote to his military service, a VA provider has diagnosed him with PTSD and another mental health condition attributed to military service. Unfortunately, there are inconsistencies with his service record and his report during the DBQ that raise doubt regarding his candor or the reliability of his recall. Available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with his misconduct, particularly given pre-service misconduct.

The AO concluded, "There is some post-service evidence from a VA provider of diagnoses of PTSD and another mental health condition that may be attributed to military service. There is insufficient evidence that the circumstances of his separation from service may be attributed to PTSD or another mental health condition."

In response to the AO, you submitted personal statements and supporting documentation that provided additional clarification of the circumstances of your case. You further contend that your purported pre-service cardiac condition was erroneously attributed to you when it was your father who had received the evaluation.

After reviewing your rebuttal evidence, the AO remained unchanged. The AO's author determined, although you dispute pre-service cardiac concerns, more weight has been placed on your in-service medical evaluation over post-service considerations of mental health concerns attributed to military service.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your assigned uncharacterized ELS remains appropriate. Applicable regulations authorize an uncharacterized ELS if the processing of an individual's separation begins within 180 days of the individual's entry on active service, as in your case. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applies in your case.

Furthermore, the Board concurred with the AO that, while there is some post-service evidence from a VA provider of diagnoses of PTSD and another mental health condition that may be attributed to military service, there is insufficient evidence that the circumstances of your separation from service may be attributed to PTSD or another mental health condition. The Board applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon your separation. However, as the AO explained, the available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with your pre-service medical concerns. Additionally, there is no evidence that you were diagnosed with a mental health condition in military service, or that you exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Finally, the Board determined your diagnosis by a VA provider is too temporally remote from your military service.

As a result, 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. 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,

12/2/2025

[redacted]

Executive Director
Signed by: [redacted]