



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 4978-25

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
XXX XX ██████████ USMC

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) USD Memo of 25 August 2017 (Kurta Memo)
(d) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Corrections of Naval Records (Board), requesting that his naval record be corrected to upgrade his characterization of service and to make other conforming changes to his DD Form 214.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 27 February 2026 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 (d). Additionally, the Board also considered 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, it is in the interests of justice to review the application on its merits.

c. The Petitioner enlisted in the U.S. Marine Corps and began a period of active service on 9 July 2002. Petitioner's enlistment physical examination, on 10 August 2001, and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, or history.

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d. On 22 March 2004, Petitioner began a period of unauthorized absence (UA) that terminated on 24 March 2004. On 7 April 2004, Petitioner received non-judicial punishment (NJP) for his two-day UA. Petitioner did not appeal his NJP. On 7 April 2004, Petitioner's command placed a "Page 11" counseling entry (Page 11) in his service record documenting his NJP. The Page 11 advised him that a failure to take corrective action, or further violations of the UCMJ or federal/state or local statutes may result in administrative separation, administrative reduction, or judicial proceedings.

e. On 5 October 2004, Petitioner's command placed a Page 11 in his service record concerning his inability to display any leadership qualities inherent to a non-commissioned officer. The Page 11 also noted his immaturity, lack of leadership, and lack of self-discipline have resulted in an overall poor performance in his professional development as a Marine. The Page 11 further documented that Petitioner was eligible, but not recommended, for promotion to E-4 from November to January 2005.

f. On 6 June 2005, Petitioner's command placed another Page 11 in his service record. The Page 11 documented that Petitioner was eligible, but not recommended, for promotion to Corporal (E-4) until October 2005 due to a lack of leadership and specifically his comments of having no desire to become a non-commissioned officer.

g. On 5 August 2005, Petitioner's command placed a Page 11 in his service record documenting his alcohol-related incident which resulted in apprehension by military police and a breathalyzer of .10%, which was a violation of Article 111 UCMJ. The Page 11 also noted that he had left his post as the Assistant Duty NCO for the Company in violation of Article 92, and this he was also intoxicated on duty in violation of Article 112. The Page 11 advised him that a failure to take corrective actions may result in administrative separation, administrative reduction, NJP, or judicial proceedings.

h. On 31 August 2005, Petitioner's command placed a Page 11 in his service record documenting that Petitioner was eligible, but not recommended, for promotion to Corporal (E-4) due to his pending court-martial.

i. On 9 November 2005, pursuant to his guilty pleas, Petitioner was convicted at a Summary Court-Martial (SCM) for: (a) dereliction of duty, (b) driving while intoxicated, and (c) two specifications of damaging/altering military property. The SCM Officer sentenced him to a reduction in rank to the lowest enlisted paygrade (E-1), forfeitures of pay, and confinement for twenty-nine (29) days. On 9 November 2005, Petitioner's command placed a Page 11 in his service record documenting his SCM conviction, informing Petitioner he was being processed for an administrative discharge, and that his recommended discharge characterization was under Other Than Honorable conditions (OTH).

j. On 9 November 2005, Petitioner's command notified him of administrative separation proceedings by reason of misconduct due to the commission of a serious offense. Petitioner consulted with counsel and waived his rights to request a hearing before an administrative separation board.

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k. On the same day, Petitioner's chain of command representatives and his commanding officer recommended to the Separation Authority (SA) that Petitioner should receive an OTH characterization of service. On 29 December 2005, the Staff Judge Advocate for the SA concluded that Petitioner's separation proceedings were legally and factually sufficient.

l. On 5 January 2006, the SA approved and directed Petitioner's discharge for misconduct due to the commission of a serious offense with an OTH discharge characterization. Ultimately, on 25 January 2006, Petitioner was discharged from the Marine Corps for misconduct with an OTH characterization of service and was assigned an RE-4 reentry code.

m. A licensed clinical psychologist (Ph.D.) reviewed Petitioner's contentions and the available records and issued an AO on 9 September 2025. As part of the Board's review, the Board considered the AO. The AO stated, in pertinent part:

There is evidence that the Petitioner may have received a diagnosis of PTSD during military service. It is possible to consider the problematic alcohol use, disobedience, and UA as behavioral indicators of avoidance and irritability associated with PTSD. As his misconduct began after his first combat deployment, it is possible to consider that his misconduct may be attributed to symptoms of PTSD.

The Ph.D.'s AO concluded, "it is my considered clinical opinion that there is in-service evidence that the Petitioner may have received a diagnosis of PTSD. There is post-service evidence from the Petitioner that his misconduct may be attributed to PTSD."

n. Petitioner requested liberal consideration and clemency in the form of a discharge upgrade. In short, Petitioner contended he was suffering from post-traumatic stress disorder (PTSD) following his combat deployments in Iraq. Petitioner requested that the Board grant liberal consideration that his mental health-related considerations mitigated the behavior leading to his discharge, and were not outweighed by the seriousness of his cumulative misconduct. Petitioner further requested relief based on Wilkie Memo clemency considerations.

CONCLUSION:

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

The Board initially determined that Petitioner's administrative separation for misconduct was legally and factually sufficient, and in accordance with all Department of the Navy directives and policy at the time of his discharge.

In keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, and although the Board does not excuse or condone the Petitioner's cumulative misconduct, the Board determined that Petitioner's PTSD and resulting symptoms mitigated some of the misconduct used to characterize his discharge. The Board concluded that the Petitioner's mental health-related

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conditions and/or symptoms as possible causative factors in the misconduct contributing to his discharge and characterization were not outweighed by the severity of Petitioner's misconduct. With that being determined, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner's service as having been with an OTH, and that a discharge upgrade to "General (Under Honorable Conditions)" (GEN) and no higher, based on liberal consideration of mental health considerations is appropriate at this time. Based on the same rationale, the Board determined Petitioner's reason for separation should be changed to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an Honorable discharge characterization. Despite applying liberal consideration to Petitioner's mental health condition, finding that a nexus exists between his condition and his misconduct, and determining the seriousness of his misconduct did not outweigh the mitigation offered by his mental health condition, the Board determined sufficient clemency is afforded to Petitioner with the recommended characterization upgrade to GEN and change to his reason for separation. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's misconduct led them to conclude that his service was not Honorable. Further, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of Petitioner's discharge to Honorable to be warranted in the interests of justice. Based on the same rationale, the Board did not find a material error or injustice with the Petitioner's original RE-4 reenlistment/reentry code. The Board concluded the Petitioner was assigned the correct reentry code based on the totality of his circumstances, and that such reentry code on Petitioner's DD Form 214 was entirely proper and in compliance with all Department of the Navy directives and policy at the time of his discharge.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

That Petitioner be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty, for the period ending 25 January 2006, indicating he was discharged with a "General (Under Honorable Conditions)" characterization of service, separation authority of "MARCORSEPMAN par. 6214," separation code of "JFF1," and narrative reason for separation of "Secretarial Authority."

That Headquarters, U.S. Marine Corps review Petitioner's complete service records to determine any additional decorations, medals, awards, badges, citations, and campaign ribbons Petitioner may be authorized or entitled to receive based on his OIF-era deployment.

That no other changes to Petitioner's record are merited.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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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 Regulations, 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.

3/6/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]