



Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,  
[REDACTED]

d. Upon reporting to duty as a Corpsman with the Marine Corps, Petitioner received non-judicial punishment (NJP). On 27 June 2003, he was issued an administrative remarks (Page 13) counseling concerning deficiencies in his performance and/or conduct, specifically not obeying lawful orders and regulations. He was advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative discharge. Petitioner deployed to [REDACTED] from 20 July 2003 to 10 November 2003. He earned the [REDACTED] with Eagle, Globe, and Anchor for service from 18 April 2004 to 5 December 2004. On 2 February 2005, Petitioner was issued Page 13 counseling for not keeping appropriate custody of his issued M9/9mm pistol and loss of government property, while deployed in [REDACTED]. He was again advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

e. On 29 July 2005, Petitioner's command received notification of his positive urinalysis for Tetrahydrocannabinol (THC). Petitioner subsequently received NJP for wrongful use of marijuana on 8 August 2005. Consequently, Petitioner was notified of administrative separation processing by reason of misconduct due to drug abuse. He waived his rights to consult with counsel, make a statement, or have his case heard by an administrative discharge board. Petitioner's commanding officer recommended Petitioner be discharged with an under Other Than Honorable (OTH) and the separation authority approved the recommendation. On 11 October 2005, Petitioner was so discharged.

f. Petitioner contends he served honorably, including time providing medical care to Marines in a combat environment, and the emotional weight of his experiences overseas deeply affected his mental and emotional health. He claims to have used marijuana in an attempt to manage his anxiety and, post-discharge, has dedicated himself to serving his community in the healthcare field and would like access to education benefits to pursue higher education. In support of his application, Petitioner provided a personal statement, Department of Veterans Affairs Benefits Summary, three advocacy letters, his resume, and psychiatric evaluations.

g. As part of the Board's review, the Board considered enclosure (4). The AO states in pertinent part:

Petitioner contends he incurred Post Traumatic Stress Disorder (PTSD) during military service, which may have contributed to the circumstances of his separation from service.

Petitioner provided a record of a February 2022 psychiatry evaluation. Records indicate that the Petitioner returned to treatment due to family stressors that triggered purported military combat trauma. He was diagnosed with PTSD, chronic, and Cannabis Disorder.

Petitioner submitted a February 2020 psychiatry consult due to anger and violent ideation related to issues at his workplace. He had no prior psychiatric history, acknowledging a "history of heavy alcohol use while in the military...and history

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of chronic cannabis use disorder x 16 years which started after his service. He was diagnosed with PTSD; Depression, unspecified; and Cannabis Use Disorder.

There is no evidence that he was diagnosed with a mental health condition in military service. Temporally remote to his military service, he has received a diagnosis of PTSD that has been attributed to military combat exposure. It is possible to consider marijuana use post-deployment as a behavioral indicator of undiagnosed symptoms of PTSD due to combat. However, it is difficult to attribute his misconduct solely to combat exposure, given his poor performance ratings prior to his deployment.

The AO concluded, “it is my considered clinical opinion that there is post-service evidence of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed solely to PTSD.”

## CONCLUSION

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

The Board noted Petitioner’s misconduct and does not condone his actions. However, in concurrence with the AO, the Board was able to reasonably conclude that a mental health condition existed at the time of his marijuana use which contributed to his discharge and OTH characterization of service. After carefully considering all the evidence, the Board found that the mitigation offered by Petitioner’s mental health condition was not outweighed by his drug abuse. Therefore, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner’s service as having been OTH and, after reviewing his case liberally and holistically, purely as a matter of clemency, his discharge characterization should be upgraded to General (Under Honorable Conditions) and his 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 upgrade to an Honorable discharge. The Board concluded by opining that certain negative aspects of the Petitioner’s conduct and/or performance outweighed the positive aspects of his military record, even under the liberal consideration standards for mental health conditions, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Further, the Board determined Petitioner’s assigned reentry code remains appropriate in light of his record of misconduct and unsuitability for further military service. After the application of the standards and principles contained in the Wilkie Memo, the Board found that Petitioner’s service fell well below the minimum standards for an Honorable characterization of service and favorable reentry code. Ultimately, the Board determined any injustice in Petitioner’s record is adequately addressed by the recommended corrective action.

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## RECOMMENDATION

That Petitioner be issued a new DD Form 214 indicating, for the period ending 11 October 2005, that he was discharged with a "General (Under Honorable Conditions)" characterization of service, separation authority of "MILPERSMAN 1910-164," separation code of "JFF," and narrative reason for separation of "Secretarial Authority."

That no further changes be made to Petitioner's record.

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

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 Regulation, 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.

1/22/2026

