



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 5252-25

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
XXX XX [REDACTED] USMC

Ref: (a) Title 10 U.S.C. §1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USECDEF Memo of 25 Aug 2017 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Naval record (excerpts)
(3) Advisory opinion

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting for an upgrade of his characterization of service to Honorable.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 25 November 2025 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, applicable statutes, regulations, and policies, to include references (b) through (e). The Board also considered enclosure (3), an advisory opinion from a qualified mental health professional, that 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 regulation within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 29 December 1969.

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- d. During the period from 6 February 1971 to 15 May 1971, Petitioner participated in Operations in [REDACTED].
- e. On 18 August 1971, Petitioner received non-judicial punishment (NJP) for failure to go to his appointed place of duty.
- f. On 1 October 1971, Petitioner received his second NJP for failure to go to his appointed place of duty and failure to obey commanding officer regulation.
- g. On 11 August 1972, Petitioner was found guilty by a special court-martial (SPCM) of five specifications of unauthorized absence (UA) totaling 233 days. As punishment, Petitioner was sentenced to confinement, forfeiture of pay, and reduction in rank.
- h. On 16 March 1973, Petitioner was found guilty by a summary court-martial (SCM) of three specifications of UA totaling three days.
- i. On 27 February 1974, Petitioner received his third NJP for a period of UA totaling seven days and two specifications of failure to obey a lawful order.
- j. During the period from 1 April 1974 to 13 May 1974, Petitioner received treatment for chronic alcoholism.
- k. On 8 July 1974, Petitioner commenced a period of UA that concluded upon his return to military authorities on 19 July 1974; a period totaling 11 days.
- l. On 6 September 1974, Petitioner commenced another period of UA that concluded upon his apprehension by civilian authorities and return to military authorities on 30 July 1976; a period totaling 693 days.
- m. On 24 August 1976, Petitioner submitted a written request for separation for the good of the service (GOS) in lieu of trial by court-martial. Petitioner's offenses consisted of the two aforementioned periods of UA totaling 704 days. Prior to submitting this request, Petitioner conferred with a military lawyer at which time Petitioner was advised of his rights and warned of the probable adverse consequences of accepting such a discharge. As part of this discharge request, Petitioner admitted his guilt to the foregoing offenses and acknowledged that his characterization of service upon discharge would be Under Other Than Honorable (OTH) Conditions.
- n. The separation authority approved Petitioner's request and directed his commanding officer to discharge him with an OTH characterization of service. Petitioner was so discharged on 26 August 1976.
- o. Petitioner previously applied to this Board for an upgrade to his characterization of service and was denied relief on 28 June 2023. Prior to this Board's denial, Petitioner applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied Petitioner's request for an upgrade, on 9 May 1983, based on their determination that Petitioner's discharge was proper as issued.

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p. Petitioner contends the following injustices warranting relief:

(1) His discharge was inequitable and unjust given the totality of the circumstances;

(2) The discharge was inconsistent with disciplinary standards given the circumstances of his then present but undiagnosed service-related PTSD, which lead to his erratic behavior not only unjust but inequitable; and

(3) The relief that he is seeking is warranted as his quality of service prior to his return from [REDACTED] was without dispute; he served his nation, by volunteering for service in the USMC at seventeen years old.

q. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which included his DD Form 149 and the evidence he provided in support of it.

r. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and the available records and provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

There is no evidence he was diagnosed with PTSD or another mental health condition during military service. However, the Petitioner has provided post-service evidence of a diagnosis of PTSD attributed to military combat, which symptoms appear to continue to be problematic for the Petitioner. It is plausible that the Petitioner's disobedience and UA could be considered behavioral indicators of irritability and avoidance associated with undiagnosed PTSD. Although his UA was chronic and extended, it is possible that it could be considered avoidance of reminders associated with his combat exposure.

The AO concluded, "There is post-service evidence from civilian providers of a diagnosis of PTSD that may be attributed to military service. There is post-service evidence that his misconduct may be attributed to PTSD."

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief.

The Board found no error in Petitioner's OTH characterization of service discharge for GOS in lieu of trial by court martial. However, because Petitioner based his claim for relief in whole or in part upon his PTSD, the Board reviewed Petitioner's application in accordance with the guidance of references (b) through (e). The Board applied liberal consideration to Petitioner's PTSD experience and the effect that it may have had upon his misconduct. Ultimately, the Board agreed with the AO conclusion that there is post-service evidence from civilian providers of a diagnosis of PTSD that may be attributed to military service. The Board also agreed there is post-service evidence that Petitioner's misconduct may be attributed to PTSD.

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In applying liberal consideration to Petitioner's claimed PTSD any effect that it may have had upon his misconduct, the Board considered the totality of the circumstances to determine whether relief is warranted in the interests of justice. In this regard, the Board considered, among other factors, the mitigating effect of Petitioner's PTSD may have had upon his misconduct. After thorough review, the Board found that Petitioner's PTSD did have an effect on his misconduct and the mitigating circumstances of his PTSD outweighed the misconduct for which Petitioner was discharged. Therefore, the Board determined the interests of justice are served by upgrading Petitioner's characterization of service to General (Under Honorable Conditions).

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining certain negative aspects of the Petitioner's conduct outweighed the positive aspects of his military record even under the liberal consideration standards, and that a General (Under Honorable Conditions) discharge characterization, and no higher, was appropriate. Further, the Board determined Petitioner's narrative reason for separation and assigned reentry code remains appropriate in light of Petitioner's extensive record of misconduct and unsuitability for further military service. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending on 26 August 1976, Petitioner's characterization of service was "General (Under Honorable Conditions)."

That no further correction action be taken on Petitioner's naval record.

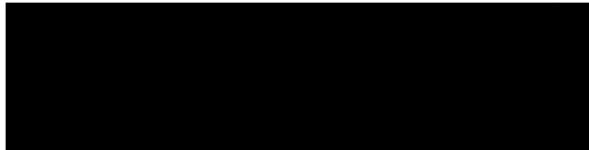
That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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

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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.

12/8/2025



Executive Director
Signed by: [REDACTED]