



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

██████████  
Docket No. 5969-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████  
██████████ 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 ██████████ reviewed Petitioner's allegations of error and injustice on 17 April 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 a 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 16 August 2004. Petitioner's enlistment physical examination, on 20 November 2003, and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, or history. On 22 May 2004, Petitioner signed and acknowledged the "Statement of Understanding – Marine Corps Policy Concerning Illegal Use of Drugs."

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- d. From 6 July 2005 to 30 January 2006, Petitioner was deployed in support of [REDACTED]. During this period, he earned the Combat Action Ribbon.
- e. On 21 July 2006 a Navy Drug Screening Laboratory report indicated that Petitioner tested positive for cocaine at a level of 840 ng/ml, well above the Department of Defense proscribed testing cutoff level for cocaine of 100 ng/ml.
- f. On 26 July 2006, Petitioner's command issued him a "Page 11" counseling entry (Page 11) documenting his illegal drug involvement, noting he tested positive on a urinalysis test for cocaine. The Petitioner elected not to submit a Page 11 rebuttal statement.
- g. On 31 August 2006, Petitioner's command notified him of administrative separation proceedings by reason of misconduct due to drug abuse. Petitioner consulted with counsel and waived his rights (in writing) to submit statements and to request a hearing before an administrative separation board.
- h. On 8 September 2006, Petitioner was convicted at a Summary Court-Martial (SCM) for the wrongful use of a controlled substance (cocaine). The SCM Officer sentenced Petitioner to a reduction in rank to the lowest enlisted paygrade (E-1), restriction, and forfeitures of pay. On 11 September 2006, the Convening Authority approved the SCM sentence.
- i. On 26 September 2006, Petitioner's commanding officer recommended to the Separation Authority (SA) that Petitioner receive an under Other Than Honorable conditions (OTH) characterization of service. On 29 September 2006, Petitioner refused drug screening/evaluation and subsequent treatment.
- j. On 10 October 2006, the Staff Judge Advocate for the SA concluded that Petitioner's separation proceedings were legally and factually sufficient. On 16 October 2006, the SA approved and directed Petitioner's discharge for misconduct due to drug abuse with an OTH discharge characterization. Ultimately, on 26 October 2006, Petitioner was discharged from the Marine Corps for misconduct with an OTH characterization of service and assigned an RE-4B reentry code.
- k. A licensed clinical psychologist (Ph.D.) reviewed Petitioner's contentions and the available records and issued an AO on 19 September 2025. As part of the Board's review, the Board considered the AO. The AO stated, in pertinent part:

During military service, the Petitioner was offered treatment for a substance use disorder, which he declined. There is no evidence that he was diagnosed with another mental health condition in military service. Temporally remote to his military service, VA and civilian providers have given treatment for PTSD and other mental health concerns attributed to military combat exposure. It is possible that the Petitioner's substance use may be considered a behavioral indicator of risk-taking consistent with undiagnosed PTSD.

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The Ph.D. concluded, "Based on a review of all available evidence, it is my considered clinical opinion that there is post-service evidence from VA and 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."

1. Petitioner requested liberal consideration and clemency in the form of a discharge upgrade and other ancillary relief. In short, Petitioner contended he was suffering from post-traumatic stress disorder (PTSD) following a combat deployment in [REDACTED]. Petitioner requested that the Board grant liberal consideration that his PTSD-related mental health 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 concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. The Board also noted Petitioner did not deny committing the misconduct that formed the basis of his administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

However, because Petitioner raised the issue of mental health, the Board also applied liberal consideration to Petitioner's claim that he suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which he/she were discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and Petitioner's post-service diagnoses. Additionally, after applying liberal consideration, the Board found sufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by a mental health condition. In this regard, the Board relied upon the AO. 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 Honorable it warranted. Based on the same rationale, the Board also determined it was in the interests of justice to change Petitioner's reason for separation to reflect a Secretarial Authority discharge. In making these findings, the Board also considered the mitigating factors in Petitioner's case in accordance with the Wilkie Memo and found that they outweighed the seriousness of his misconduct sufficiently to support the recommended relief.

Notwithstanding the recommended corrective action below, the Board did not find a material error or injustice with the Petitioner's original RE-4B 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.

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Further, the Board found that the mitigating factors were not nearly sufficient to justify any further equitable relief. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

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

That Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty indicating, for the period ending on 26 October 2006, he was discharged with an "Honorable" characterization of service, separation authority of "MARCORSEPMAN par. 6214," separation code of "JFF1," and narrative reason for separation of "Secretarial Authority." That all other information currently listed on Petitioner's DD Form 214 remains the same.

That Petitioner be issued an Honorable discharge certificate.

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 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.

4/21/2026

