



non-judicial punishment (NJP) for two specifications of insubordinate conduct. In May 1999, the Family Advocacy Case Review Committee substantiated a finding that you committed spousal abuse and child endangerment in April 1999. In July 1999, you were recommended to attend a 52-week Domestic Violence Program. However, you were deemed a treatment failure due to your refusal to sign the contract for the Men's Domestic Violence Intervention Group and your continued denial of your abusive behavior. On 13 October 1999, you were evaluated and diagnosed with occupational and partner relation problems, alcohol abuse, adjustment disorder with depressed mood, and narcissistic personality disorder, and recommended for administrative separation. On 25 October 1999, you were issued a Page 11 counseling concerning deficiencies in your performance and conduct; specifically, unauthorized absence from your appointed place of duty and insubordinate conduct while addressing seniors.

Subsequently, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of misconduct due to commission of a serious offense and convenience of the government - personality disorder. You were informed of the basis for this recommendation and that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions. You waived your right to consult with counsel, to present your case to an administrative discharge board, and submit a written statement in rebuttal to your separation. The commanding officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Marine Corps with an OTH characterization of service. As part of the CO's recommendation, he stated in pertinent part:

The factual basis for this recommendation is the substantiated case of domestic violence found by the Family Advocacy Case Review Committee and the information, as well as the recommendations of the Division Psychiatrist. [Petitioner's] inability to conform to the accepted standards of conduct as a United States Marine indicates a lack of sincere desire to alter his behavior or receive the necessary treatment to overcome his violent behavior as evidenced by his refusal to sign the required contract for the Men's Domestic Violence Intervention Group. His total lack of maturity, loss of respect from his fellow Marines, and lack of desire to receive the necessary treatment, has brought discredit upon the Armed Forces. By his actions, he has clearly demonstrated that he has no potential for further military service.

Ultimately, the separation authority approved the recommendation and directed your administrative discharge with an OTH characterization of service by reason of misconduct due to commission of a serious offense. You were so discharged on 23 December 1999.

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 in order to receive full benefits. The Board considered your contentions that: (1) you unknowingly endured the debilitating effects of PTSD, (2) at the time your condition went undiagnosed and untreated, (3) the Department of Veterans Affairs (VA) has formerly diagnosed you with PTSD, (4) the absence of a proper diagnosis during your service profoundly impacted

the circumstances surrounding your discharge, (5) the suffering you endured while serving, without the support, understanding or treatment, was immense and preventable, (6) your undiagnosed PTSD had a direct impact on your conduct and ultimately your discharge, (7) you lacked the tools, awareness, and support needed to manage what you now know was a serious mental health condition, and (8) your diagnosis has brought you clarity and has allowed you to begin healing. You assert that you are committed to continued growth and service to your community. 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 14 November 2025. The AO stated in pertinent part:

There is evidence that he was diagnosed with personality disorder, an adjustment disorder, and an alcohol use disorder during military service. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinicians. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of military service. An adjustment disorder typically indicates a temporary reaction to a stressor that resolves once the stressor, such as military service, is removed. Problematic alcohol use is incompatible with military readiness and discipline and does not remove responsibility for behavior. The Petitioner has provided evidence of mental health treatment that is temporally remote to his military service and appears unrelated. His misconduct appears consistent with his diagnosed personality disorder, rather than evidence of another mental health concern incurred in or aggravated by military service. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "There is some in-service evidence of mental health concerns (Adjustment Disorder and Alcohol Use Disorder) that may have onset in or been exacerbated by military service. There is insufficient evidence that his misconduct may be attributed to mental health concerns other than his in-service diagnosed personality disorder."

In response to the AO, you submitted personal statements that provided additional clarification of the circumstances of your case. After reviewing your rebuttal evidence, the AO remained unchanged.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your Page 11 counselings, NJP, substantiated evidence of domestic violence, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your

misconduct and concluded your misconduct showed a complete disregard for military authority and regulations. The Board noted that you were provided multiple opportunities to correct your conduct deficiencies during your service but you continued to commit additional misconduct; which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your unit.

Additionally, the Board concurred with the AO that while there is some in-service evidence of mental health concerns (adjustment disorder and alcohol use disorder) that may have onset in or been exacerbated by military service, there is insufficient evidence that your misconduct may be attributed to mental health concerns other than your in-service diagnosed personality disorder. 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 the conduct for which you 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. However, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and agreed with the AO that your misconduct appears to be related to your personality disorder rather than another mental health condition. Therefore, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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,

1/14/2026

