



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

■  
Docket No. 6982-25  
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) 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 (HON) or General (Under Honorable Conditions) (GEN) and a change to his narrative reason for separation to Secretarial Authority.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 4 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, applicable statutes, regulations, and policies, to include references (b) through (e). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional, and Petitioner's response to the AO.

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 the interests of justice.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 28 September 2004.

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d. On 15 June 2005, Petitioner received non-judicial punishment (NJP) for intentionally injuring himself by cutting a swastika on his arm while in an unauthorized absence status from his unit.

e. On 26 July 2005, Petitioner was found guilty by a summary court-martial (SCM) of a period of unauthorized absence (UA) totaling 43 days, missing movement, stealing an ATM card from a Marine, stealing currency of a value less than \$500 from the Marine, and stealing \$20 of a value less than \$500 from the Marine.

f. On 7 April 2006, Petitioner received NJP for a period of UA.

g. From November 2006 to April 2007, Petitioner deployed to Iraq in support of combat operations.

h. On 7 November 2007, Petitioner was convicted by a SCM of wrongful use of methamphetamine.

i. On 14 April 2008, the Regimental Surgeon informed the Commanding General that Petitioner was advised that as a combat veteran, and as a result of medical screening, he exhibited signs of Post-Traumatic Stress Disorder (PTSD). In conjunction with involuntary administrative separation proceedings, Petitioner was advised that referral to a mental health professional was recommended, and it was in his best medical interest.

j. Subsequently, Petitioner was notified that he was being recommended for administrative discharge from the Marine Corps by reason of misconduct due to drug abuse. Petitioner was advised of and waived his procedural right to consult with military counsel and present his case to an administrative discharge board.

k. On 3 June 2008, the commanding officer recommended to the separation authority (SA) that Petitioner be administratively discharged from the Marine Corps with an Other Than Honorable (OTH) characterization of service by reason of misconduct due to drug abuse.

l. On 11 September 2008, the separation authority approved the recommendation and Petitioner was so discharged on 4 October 2008.

m. Petitioner contends he incurred PTSD and other mental health concerns during his military service, which may have contributed to the circumstances of his separation from service. Petitioner further contends, following his deployment, he immediately began displaying PTSD symptoms, including hypervigilance, nightmares, intrusive thoughts, and angry outbursts. Lacking the self-awareness to recognize that he needed treatment, he self-medicated himself with illicit substances.

n. 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.

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

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. 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 clinician. 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 Naval Service. He also received a diagnosis of PTSD, attributed to his military combat experience. The majority of his in-service misconduct appears to be consistent with his diagnosed personality disorder, rather than evidence of PTSD, particularly his misconduct prior to his combat deployment.

There are some inconsistencies in the record that make it difficult to consider the reliability of the Petitioner's recall over time. Statements during a post-service mental health evaluation indicate that his cutting behavior onset after his deployment to Iraq. However, military service records note a history of self-injurious behavior prior to his combat deployment.

It is possible that the Petitioner's methamphetamine use may be considered a behavioral indicator of self-medication of PTSD symptoms.

It is difficult to consider larceny a symptom of a mental health condition. 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, "it is my considered clinical opinion that there is in-service evidence of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence that the majority of his misconduct may be attributed to PTSD."

In response to the AO, the Petitioner submitted additional evidence in support of his application. After reviewing Petitioner's rebuttal evidence, the AO remained unchanged.

#### 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 separation for misconduct due to drug abuse based on Petitioner's admission of drug abuse.

However, because Petitioner based his claim for relief in whole or in part upon his PTSD and other mental health concerns, the Board reviewed his application in accordance with the

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guidance of references (b) through (d). The Board applied liberal consideration to Petitioner's PTSD experience and the effect that it may have had upon his misconduct.

In applying liberal consideration to Petitioner's mental health condition and 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 mental health condition may have had upon his misconduct. After thorough review, the Board found that Petitioner's mental health condition did have an effect on his misconduct and the mitigating circumstances of his mental health condition 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 GEN.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an HON discharge. In addition to applying liberal consideration to Petitioner's claimed mental health condition and its potential effect upon his conduct in accordance with references (b) through (d), the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with reference (e). In this regard, the Board considered, amongst other factors, Petitioner's contentions, the totality of Petitioner's service, the non-violent nature of Petitioner's misconduct, Petitioner's relative youth and immaturity at the time of his misconduct, the negative effect Petitioner's discharge has had on his life, Petitioner's mental health issues, and the passage of time since Petitioner's discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any additional equitable relief. Specifically, the Board found that the severity of Petitioner's misconduct far outweighed all of the mitigating factors combined to warrant any further relief. In particular, the Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. Further, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct, which led to his OTH discharge. Petitioner's conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. 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.

Additionally, based on the same rationale, the Board determined Petitioner's basis for separation and reentry code remain appropriate in light of his record of misconduct. Ultimately, the Board determined 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:

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That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 4 October 2008, he was discharged with a "General (Under Honorable Conditions)" characterization of service

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 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.

2/22/2026

