



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

■
Docket No. 7354-25
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) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)
(c) USECDEF Memo of 25 Aug 17 (Kurta Memo)
(d) SECDEF Memo of 13 Sep 14 (Hagel Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion of 12 Dec 25

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps, filed enclosure (1) requesting his characterization of service be upgraded to Honorable on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (2) and (3) apply.

2. The Board, consisting of ■■■■■, ■■■■■, and ■■■■■, reviewed Petitioner's allegations of error and injustice on 23 March 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 enclosure (4), the advisory opinion (AO) furnished by 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 interest of justice to review the application on its merits.

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c. Petitioner enlisted in the Marine Corps and began a period of active service on 20 January 2004. As part of his enlistment processing, Petitioner disclosed pre-service marijuana use.

d. On 3 August 2004, Petitioner joined his unit. He deployed to Iraq in support of Operation Iraqi Freedom (OIF) from 7 September 2004 to 20 December 2004.

e. On 7 June 2005, Petitioner was issued administrative remarks (Page 11) counseling concerning deficiencies in his performance and/or conduct, specifically lack of judgment and financial irresponsibility. He was issued another Page 11 counseling on 20 June 2005 for willfully disobeying a lawful order and unauthorized absence (UA). He received an additional Page 11 counseling on 22 June 2005 for failing body composition standards. In all three counseling instances, he was advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

f. Petitioner again deployed to Iraq in support of OIF from 8 February 2006 to 6 September 2006.

g. On 3 October 2006, Petitioner was issued Page 11 counseling for an alcohol related incident and fight resulting in his injury and ineffectiveness at work. 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.

h. On 5 December 2006, Petitioner was issued Page 11 counseling for lack of responsibility and lack of gear accountability.

i. On 22 February 2007, Petitioner requested mental health services for combat stress and grief issues after return from Iraq. Petitioner received a mental health evaluation, on 5 March 2007, and was diagnosed with PTSD and Postconcussion syndrome. Petitioner continued follow-up counseling for the remainder of his service.

j. On 10 May 2007, Petitioner was issued page 11 counseling notifying him of mandatory administrative separation processing for positive urinalysis. On 15 May 2007, Petitioner received nonjudicial punishment (NJP) for wrongful use of marijuana.

k. On 31 October 2007, Petitioner was notified of administrative separation processing by reason of misconduct due to drug abuse. Petitioner waived his rights to consult with counsel, make a statement, or have his case heard by an administrative discharge board. Petitioner's Battalion Commanding Officer (CO) recommended Petitioner receive a General (Under Honorable Conditions) (GEN) discharge, writing:

Upon speaking with this Marine, he expressed his desire to return home to help out with his family....He has served his country well as evidenced by three tours in Iraq (2005-2007) but now suffers from Alcohol Dependence/Post Traumatic Stress Disorder (PTSD) He unfortunately used illegal drugs in 2007, otherwise I would consider him for an Honorable discharge.

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1. The Regiment CO concurred with the Battalion CO's recommendation on 13 December 2007.

m. On 18 December 2007, the separation authority directed an Under Other Than Honorable Conditions (OTH) character of service, and on 21 December 2007, Petitioner was so discharged.

n. Petitioner contends that PTSD and traumatic Brain Injury (TBI), incurred during three OIF deployments, mitigate his misconduct. Petitioner provided evidence of PTSD, TBI, and mental health diagnoses in Department of Veterans Affairs (VA) medical records and a VA service connection letter indicating PTSD, TBI and other medical concerns. Petitioner also provided a copy of his DD Form 214 indicating his awards that include the Combat Action Ribbon, Marine Corps Good Conduct Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Sea Service Deployment Ribbon (with 2nd award star), and Certificate of Commendation.

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

Petitioner contends he incurred Traumatic Brain Injury (TBI), Post Traumatic Stress Disorder (PTSD), and other mental health concerns during military service, which may have contributed to the circumstances of his separation from service.

Petitioner submitted the following records for review:

- Personal statements regarding PTSD and TBI incurred during an Iraq deployment
- Military service records, including DD-214 discharge certificate
- Veterans Affairs (VA) medical records showing service connection for PTSD and TBI and mental health treatment from August 2024 to July 2025 for diagnoses of chronic PTSD following military combat, Unspecified Depressive Disorder, Unspecified Mood Disorder, TBI, and Cannabis Dependence with a significant alcohol use history in fully sustained remission. Additional information was needed to rule out the possible presence of Personality Disorder Not Otherwise Specified (NOS) with antisocial and borderline traits, Intermittent Explosive Disorder (IED), or Bipolar Disorder.

The Petitioner was diagnosed with PTSD and Postconcussive Syndrome during military service. Post-service, the VA has granted service connection for PTSD and TBI. Although the Petitioner did have a history of some marijuana use pre-service, his misconduct all began after his first combat deployment. It is plausible that UA, disobedience, financial mismanagement, and poor physical fitness could be considered behavioral indicators of avoidance, irritability, apathy, and impulsivity consistent with symptoms of TBI or PTSD. It is possible that the Petitioner's in-service marijuana use may be considered self-medication of his symptoms of PTSD and TBI.

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The AO concluded, "Based on a review of all available evidence, it is my considered clinical opinion that there is in-service and post-service evidence from the VA of diagnoses of PTSD and TBI that may be attributed to military service. There is post-service evidence that his misconduct may be attributed to PTSD or TBI."

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes 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 noted Petitioner did not deny committing the misconduct that formed the basis for 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 his 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 was 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 his in-service medical diagnosis. Additionally, applying liberal consideration, the Board also found sufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by his mental health condition. The Board relied upon the AO and was able to reasonably conclude that a mental health condition contributed to his misconduct that resulted in an OTH character of service. Finally, the Board determined the mitigation offered by his condition outweighed the severity of his single incident of marijuana use.

In addition to applying liberal consideration to Petitioner's claimed mental health condition and its potential effect upon his conduct in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, Petitioner's desire for an upgrade to his characterization of service, his contentions, the totality of his service to include service highlights, the non-violent nature of his misconduct, his relative youth and immaturity at the time of his misconduct, his rehabilitation efforts, his mental health issues, the evidence he provided in support of his application, and the passage of time since his discharge.

The Board found that the mitigating factors were sufficient to justify equitable relief. Specifically, the Board found that the severity of Petitioner's misconduct did not outweighed all of the mitigating factors combined. In particular, the Board considered Petitioner's multiple combat deployments and his chain of command's recommendation that he receive a GEN characterization of service. After carefully considering all the evidence, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner's service as having been other than honorable, and re-characterization to Honorable is now more appropriate. Based

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on the same rationale, the Board determined Petitioner's separation should be changed to reflect a Secretarial Authority discharge. While the Board acknowledged his command's recommendation that he receive a GEN characterization of service, they determined Petitioner's mental health related mitigation evidence, when considered in conjunction with other equity evidence, was sufficient to support the recommended relief.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner be issued an Honorable Discharge Certificate and a new DD Form 214 indicating, for the period ending on 21 December 2007, he was discharged with an "Honorable" characterization of service, separation authority of "MARCORSEPMAN 6214," separation code of "JFF1," narrative reason for separation of "Secretarial Authority," and reentry code of "RE-1A." That all other information currently listed on Petitioner's DD Form 214 remains the same.

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.

4/6/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]