



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

█
Docket No. 7620-25
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 █

Ref: (a) Title 10 U.S.C. §1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) USECDEF Memo of 25 Aug 2017 (Kurta Memo)
(d) 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), Petitioner, the mother of the late subject service member (SM), filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting for an upgrade of his characterization of service.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 27 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 (d). In addition, the Board considered enclosure (3), an advisory opinion (AO) 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 the interests of justice.

c. SM enlisted in the Marine Corps and began a period of active duty on 27 July 2002.

d. From March to July 2003, SM was deployed in support of Operation Iraqi Freedom (OIF) with █.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]

XXX XX [REDACTED]

e. On 22 December 2003, SM received non-judicial punishment (NJP) for a 25 day period of unauthorized absence (UA) and the unlawful use of marijuana.

f. Consequently, SM was notified that he was being recommended for administrative discharge from the Marine Corps by reason of misconduct due to the use of marijuana. SM was advised of his procedural rights to consult with counsel and to request a hearing before an administrative separation board, and submitted a statement to the separation authority.

g. SM's commanding officer recommended to the separation authority (SA) that SM receive an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation and SM was so discharged on 20 February 2004.

h. Post-service, SM applied to the Navy Discharge Review Board (NDRB) for a discharge upgrade. On 11 March 2005, the NDRB determined that his discharge was proper as issued.

i. Petitioner contends the following injustices warranting relief:

(1) Upon SM's return from his OIF deployment he experienced PTSD but was not diagnosed correctly at the time;

(2) An upgraded discharge would give SM the capability to be eligible for the benefits he deserves;

j. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which included her DD Form 149, personal statement, DD form 214, a DD Form 293 filled out by SM dated 28 April 2008, copies of his in-service and post service medical records, and copies of his birth and death certificates.

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

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated during an inpatient hospitalization. His personality and adjustment disorder diagnoses were 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. Temporally remote to his military service, he has received a diagnosis of PTSD. It is possible that mental health symptoms identified as adjustment-related in service have been characterized as related to PTSD with the passage of time and increased understanding. His in-service misconduct appears to be consistent with mental health concerns incurred in or exacerbated by military service. In-service, he reported that his UA and substance use were related to suicidal ideation and intent to die. Although the Petitioner had received a waiver for pre-service marijuana use, it is plausible that

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]

XXX XX [REDACTED]

in-service use could be attributed to apathy and avoidance consistent with mental health concerns.

The AO concluded, "It is my considered clinical opinion that there is in-service evidence of a diagnosis of a mental health condition that may be attributed to military service (adjustment disorder). There is post-service evidence of PTSD. There is in-service and post-service evidence from the Petitioner that his misconduct may be attributed to PTSD or another mental health condition."

CONCLUSION:

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

The Board initially concluded SM was appropriately processed for administrative separation based on his record of misconduct. While the Board carefully considered Petitioner's contention for mitigation, the Board noted SM admitted to committing the misconduct that formed the basis for his administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to SM's administrative separation and no error exists with his record.

However, the Board applied liberal consideration to Petitioner's claim that SM suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which SM was discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and SM's post-service medical evidence. Additionally, the Board found sufficient evidence to conclude that the misconduct for which SM was discharged was excused or mitigated by his mental health condition. In this regard, the Board relied on the conclusion of the AO and determined the severity of SM's single NJP was outweighed by the mitigation offered by his mental health condition. Therefore, based solely on SM's mental health related mitigation evidence, the Board determined the interests of justice are served by upgrading SM's characterization of service to Honorable and changing his reason for separation to reflect a Secretarial Authority discharge.

RECOMMENDATION:

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

That SM be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 20 February 2004, he was discharged with an "Honorable" characterization of service, narrative reason for separation of "Secretarial Authority," SPD code of "JFF1," reentry code of "RE-1A," and separation authority of "MARCORSEPMAN par 6214."

That SM be issued an Honorable discharge certificate.

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

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

That a copy of this record of proceedings be filed in SM'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.

3/20/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]