



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

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Docket No. 7676-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 20 January 2026. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, applicable statutes, regulations, and policies, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)/mental health condition (MHC) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You entered active duty with the Marine Corps on 18 September 1973.
2. On 7 February 1974, you received non-judicial punishment (NJP) for unauthorized absence (UA) totaling eight days.
3. On 6 May 1974, you received NJP for one day UA.
4. On 12 August 1974, you received NJP for wrongfully appearing in improper uniform, disobeying a lawful order from a commissioned officer, and disrespect toward a commissioned officer.

5. On 3 December 1974, you received NJP for five days of UA.
6. On 28 January 1975 and 30 January 1975, you received NJP for two specifications of absence from appointed place of duty, failure to obey a lawful order, and disrespect toward a non-commissioned officer (NCO).
7. On 7 February 1975, you were counseled on your defective attitude and behavior and substandard performance.
8. On 6 April 1975, you received a psychiatric evaluation that diagnosed you with an immature personality and recommended administrative separation.
9. Consequently, you were notified of pending administrative separation action by reason of unsuitability. In the meantime, a summary court-martial (SCM) convicted you of six days of UA. After waiving your rights, your commanding officer (CO) forwarded your package to the separation authority (SA) recommending your discharge with a General (Under Honorable Conditions) (GEN) characterization of service. The SA approved the CO's recommendation and you were so discharged on 6 May 1975. Your final trait averages were 3.7/3.5 (Proficiency/Conduct).

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your personality disorder diagnosis and record of misconduct. While the Board carefully considered your contention for mitigation, the Board noted you did not deny the validity of the diagnosis or committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that you were properly diagnosed with the condition that formed the basis of your administrative separation and were properly separated with a GEN characterization of service based on your trait averages.

The Board applied liberal consideration to your claim that you suffered from a mental health condition and TBI, and to the effect that these conditions 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 insufficient evidence of a diagnosis of mental health condition or TBI that may be attributed to military service. This conclusion is supported by the fact you provided no medical evidence in support of your claims and chose not to respond to the Board's request for supporting evidence. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by a mental health condition or TBI. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and again pointed to the lack of any medical evidence. 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.

In addition to applying liberal consideration to your claimed mental health condition and TBI, and its potential effect upon your 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, the totality of your service, your need for veterans' benefits, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of your misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given several opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your GEN 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 command. Moreover, the Board determined you already received a large measure of clemency when the Marine Corps chose to administratively process you for unfitness due to your personality disorder rather than your extensive record of misconduct. The Board was also not persuaded that your desire for disability service connections and other veterans' benefits outweighed your record of misconduct. The Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits. Finally, the Board believed that it would be unjust to characterize your service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of your discharge to Honorable to be warranted in the interests of justice.

Accordingly, given the totality of the circumstances, the Board determined 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,

2/4/2026

