



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

██████████
Docket No. 7829-25
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, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder," dated 3 September 2014 (Hagel Memo)
(c) USD Memo, "Clarifying Guidance to Military Discharge Review Boards and Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions Sexual Assault, or Sexual Harassment," dated 25 August 2017 (Kurta Memo)
(d) USD Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," dated 25 July 2018 (Wilkie Memo)
(e) USD Memo, "Clarifying Guidance to Boards for Correction of Military/Naval Records Considering Cases Involving Both Liberal Consideration Discharge Relief Requests and Fitness Determinations," dated 4 April 2024 (Vazirani Memo)
(f) Official Military Personnel File (OMPF)

Encl: (1) DD Form 149 w/attachments
(2) DD Form 214
(3) Chronological Record (1070)
(4) OPNAV 5520/20, Part IV, Record of Access
(5) NAVMC 118/11, Administrative Remarks
(6) Commanding Officer, ██████████, Naval Air Station ██████████ ltr 5510 ADM, subj: Permanent Decertification from the Personnel Reliability Program (PRP) Notification of, 8 Apr 1986
(7) Commanding Officer, ██████████, Naval Air Station ██████████ ltr 5510 ADM, subj: Summary of Interview with ██████████, 8 Apr 1986
(8) Department of Veterans Affairs Rating Decision, 1 Sep 1987
(9) Commanding Officer, ██████████, Naval Air Station ██████████ ltr 1900 ADM, subj: Recommendation for Discharge Due to a Diagnosed Personality Disorder; Case of [Petitioner], 29 May 1986
(10) Commanding Officer, ██████████, Naval Air Station ██████████ ltr 1900 ADM, subj: Separation Processing, Notification of, 15 May 1986
(11) Staff Judge Advocate, Marine Corps Bases Pacific ltr 1900 17, subj: Recommendation for Discharge Due to a Diagnosed Personality Disorder; Case of [Petitioner], 13 Jun 1986

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(12) NAVMC 118/12, Offenses and Punishments

(13) Department of Veterans Affairs Rating Decision, 22 Nov 2024

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), seeking to have his naval records changed to reflect: (1) disability separation or retirement, made effective as of his date of discharge; (2) an upgrade to an Honorable discharge; and (3) disability separation or retirement as the narrative reason for discharge.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error or injustice on 8 April 2026. The Board, pursuant to its regulations and on the basis of the available evidence of record, determined that the corrective action indicated below should be taken with respect to Petitioner's request. Documentary material considered by the Board consisted of Petitioner's application, all materials submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies. Because Petitioner claims to suffer from a mental health disorder, the Board also considered the application of References (b) through (e) (hereinafter collectively referred to as the Clarifying Guidance) to Petitioner's request.

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 law and regulations applicable to the Department of the Navy. Although Petitioner's application was not filed in a timely manner, the Board waived the statute of limitations and considered the case on its merits in the interest of justice.

b. A review of reference (f) reveals that on 27 June 1985, Petitioner commenced active-duty service with the U.S. Marine Corps and reported to [REDACTED]
[REDACTED] See enclosures (2) and (3).

c. After qualifying as a Machine Gunner, on 4 December 1985, Petitioner was assigned to [REDACTED], and granted a SECRET security clearance. See enclosure (4).

d. On 26 December 1985, Petitioner was granted a Personnel Reliability Program (PRP) security clearance. See enclosure (4).

e. On 26 March 1986, Petitioner was assigned to the Weight Control Program. See enclosure (5).

f. On 8 April 1986, Petitioner was permanently decertified from the Personnel Reliability Program (PRP), and his security clearances were revoked. His commanding officer reported:

[REDACTED] was interviewed on 8 April 1986. The derogatory information pertaining to aberrant mental behavior unsuitable for PRP duties was presented to him. It was explained by conduct of this nature is of the utmost concern when an individual is

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charged with duties requiring a high degree of reliability, professionalism, and maturity. [REDACTED] stated that he understood the decertification action and the reasons for that action. He was informed of the effect which this action would have on his permanent record. He indicated that he did not desire to submit a statement in his own behalf, and that he had no questions about the action. The interview was closed." See enclosure (6).

g. In connection with the above-described action, Petitioner was counseled as follows:

"I, [REDACTED], having been advised that I have been permanently decertified for assignment to a reliability billet as defined in the current edition of MCO 5510.7. I understand this decertification will be made a part of my permanent record. I did not submit a statement on my behalf with the respect of decertification submitted to the CMC."

(Signed by Petitioner.) See enclosure (5).

h. In a follow-up communication (dated 18 April 1986) to the Commanding Officer, [REDACTED], Petitioner's CO wrote:

[REDACTED] was permanently decertified from the PRP on 8 April 1986 due to his unsuitable mental character and aberrant behavior, substantiated by competent medical authority, which, in the judgment of this certifying official, is highly prejudicial to reliable performance of the duties required in a certified position of the PRP." See enclosure (7).

i. On 9 April 1986, Petitioner attempted suicide by "cut[ing both arms]." See enclosure (8).

j. Following his suicide attempt, Petitioner was admitted to [REDACTED], where he was hospitalized for intentionally inflicting superficial lacerations to his right and left forearms and psychiatric evaluation and permanent decertification from the PRP. See enclosure (9).

k. On 15 May 1986, Petitioner's CO recommended him for separation from service due to a diagnosed personality disorder, stating:

"The basis for this recommendation is your demonstrated inability to function effectively in the Marine Corps. You were assigned to the weight control program on 26 March 1986 with a weight of 216 pounds and a body fat content of 19.6%. By 25 April 1986, you had registered a 13-pound weight gain. This gain is indicative of your apathetic attitude towards your personal responsibilities as a Marine. On 1 April 1986, you were counseled regarding your poor attitude and performance and on the possible consequences of attempting to terminate your enlistment prior to the expiration of your contract. On 5 and 6 April 1986, you intentionally inflicted superficial lacerations to your left and right forearms. The results of these actions were hospitalization at the Branch Hospital, Naval Regional Medical Center, [REDACTED]n, Naval Air Station, [REDACTED], with subsequent

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medevac to [REDACTED] Hospital, [REDACTED], for psychiatric evaluation and permanent decertification from the Personnel Reliability Program. The psychiatric evaluation revealed mixed personality disorders with passive aggressive and histrionic features. Additionally, it was diagnosed that you have occupational problems and a maladaptive pattern. The occupational and maladaptive problems you possess have manifested themselves prior to and since your psychiatric evaluation through your demonstrated unsatisfactory performance, both by failure to maintain proper weight standards and your poor attitude towards your assigned duties at this command and in the Marine Corps. You have failed to respond to any guidance, direction or counseling. Based upon your performance to date and the results of your psychiatric evaluation, it is felt that you have no potential for further service in the United States Marine Corps.” See enclosure (10).

l. On 12 June 1986, Petitioner’s separation was reviewed by the Staff Judge Advocate, who found the administrative separation (ADSEP) recommendation “to be sufficient in law and fact.” See enclosure (11).

m. After being reassigned to [REDACTED], to await his administrative discharge, on 24 July 1986, Petitioner was charged under UCMJ Article 121 (larceny and wrongful appropriation) for theft of a snack sausage and candy bar. He accepted non-judicial punishment (NJP) and was reduced in rank from Private First Class (PFC) to Private (PVT). The same day, he was discharged from the U.S. Marine Corps. See enclosure (12).

n. On 22 July 1986, a disability of claim is filed on Petitioner’s behalf with the Department of Veterans Affairs (VA). Petitioner contends he did not file this claim and does not know who filed it on his behalf. See enclosure (1).

o. On 1 September 1987, the VA issued a rating decision regarding Petitioner’s claim, finding Petitioner’s Mixed Personality Disorder not to be service connected, as it is a “constitutional or developmental abnormality for which compensation is not payable.” See enclosure (8).

p. On 22 November 2024, after application by Petitioner, the VA issued a supplemental rating decision, stating:

“Service connection for VA compensation benefits was denied for this condition in a prior VA rating decision dated September 1, 1987, because your personality disorder in service is a constitutional or developmental abnormality for which compensation is not payable.

As of the date of this rating, we have not received any evidence contrary to the original reason why service connection was denied for this condition. Unfortunately, your previous denial of service connection for personality disorder is confirmed and continued.

Favorable Findings identified in this decision: You have been diagnosed with a disability. Generalized Anxiety Disorder and Major Depressive Disorder, Severe,

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Recurrent, were diagnosed at your recent VA examination on September 6, 2024.”
See enclosure (13).

q. In support of his request, Petitioner avers that at the time of his discharge, he suffered from a service-connected mental health condition for which he should have been referred for a fitness determination. He contends that mental health conditions, including Post Traumatic Stress Disorder, generalized anxiety disorder, and major depressive disorder, would have rendered him unfit for continued service had they been evaluated prior to his discharge. See enclosure (1).

CONCLUSION

In its review of the entirety of Petitioner’s application as described above, the Board concluded that Petitioner failed to meet his burden to prove, by a preponderance of the evidence, that the Navy’s determination that his mental health condition did not warrant referral to the Disability Evaluation System (DES) was erroneous (i.e., that the actions materially departed from then-applicable processes or standards, or that judgments made in the course of those actions were irrational) or unjust (i.e., that the actions, though not erroneous, were unjust under the particular circumstances of the case, either at the time or in retrospect). Thus, the consequence of that lack of referral—denial of a medical separation or retirement—was also not erroneous or unjust.

The Board also concluded that Petitioner failed to meet his burden to prove that the character of his discharge—General (Under Honorable Conditions)—was erroneous or unjust in the circumstances of his case.

Finally, the Board concluded that while the narrative reason for Petitioner’s separation was not erroneous under the facts and applicable policies at the time of Petitioner’s discharge, the Board determined, in the interest of justice, that relief is warranted in the form of changing his narrative reason for separation and his separation program designator in order to remove any stigma associated with his DD Form 214’s explicit attribution of his discharge to a personality disorder.

In keeping with the letter and spirit of the Clarifying Guidance, the Board gave liberal consideration to Petitioner’s record of service, and his contentions regarding his 2024 diagnosis by the VA with generalized anxiety disorder and major depressive disorder.

In reaching its decision, the Board fully considered the Clarifying Guidance and employed the analytical framework outlined in reference (e), the Vazirani Memo. Under that framework, the Board first applies liberal consideration to contentions that a mental health condition potentially contributed to the circumstances resulting in discharge to determine whether any discharge relief is appropriate. After making that determination, the Board then separately assesses claims of unfitness for continued service due to a medical condition (including a mental health condition) as a discreet issue, without applying liberal consideration to the unfitness claim or carryover of any of the findings made when applying liberal consideration.

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The Board notes that, in evaluating the official actions of public bodies and officers, it is bound to employ the presumption of regularity. Under that presumption, in the absence of substantial evidence to the contrary, the Board will presume that such public bodies and officers have properly discharged their official duties.

Thus, the Board began its analysis by examining whether Petitioner's mental health condition actually excused or mitigated his discharge. On this point, the Board observed that on 24 July 1986, due to a combination of documented poor performance and his personality disorder diagnosis, Petitioner was administratively separated for "Convenience of the Government, Condition not a Disability, Personality Disorder (without Admin Discharge Board)" and given a General (Under Honorable Conditions) discharge. Specifically, Petitioner was counseled multiple times during the approximately six months he was assigned to [REDACTED], including for failing to meet weight standards, poor attitude, attempting to prematurely terminate his enlistment, and "aberrant mental behavior" (as described by his Commanding Officer), for which he ultimately lost his required security clearance. Petitioner's Commanding Officer recommended his ADSEP with a General characterization of service—a recommendation that was approved by both the Staff Judge Advocate and the Commander of Marine Corps Bases Pacific. The Board further observed that even after Petitioner's ADSEP had been approved, and after he had been transferred from [REDACTED], to await his departure from the Marine Corps, Petitioner was charged with petty theft, for which he accepted NJP.

With this background, the Board noted that it is required to evaluate whether a service-connected mental health condition excused or mitigated the actions that led to discharge. However, the evidence of record fails to show that Petitioner has been diagnosed with any service-connected mental health condition. Both Petitioner's ADSEP paperwork and his 1987 VA rating reflect his diagnosis with a non-service-connected personality disorder. His 2024 supplemental VA rating confirms his personality disorder diagnosis and its nature as a non-service-connected condition by VA policy. And although the 2024 rating indicates that the VA diagnosed Petitioner with generalized anxiety disorder and major depressive disorder, it does not indicate whether the VA determined those conditions to be service-connected.

On the basis of the above, even considered liberally, the Board found that Petitioner failed to meet his burden to prove, by a preponderance of the evidence, that: (1) the circumstances of his service and discharge warranted an Honorable discharge; or (2) a service-connected mental health condition sufficiently mitigated Petitioner's in-service misconduct as to warrant an upgrade. The Board thus found no error in the Marine Corps' actions.

The Board then turned to the second step of the Vazirani framework for its analysis of Petitioner's request for disability retirement. Here, the Board separately assessed Petitioner's claim of medical unfitness for continued service due to his mental health condition as a discreet issue, without applying liberal consideration to the unfitness claim or carryover of any of the findings made when applying liberal consideration.

In reaching its decision, the Board observed that in order to be found unfit through the DES, and thus to qualify for military disability benefits, a service member must be unable to reasonably perform the duties of their office, grade, rank or rating as a result of a qualifying disability that was incurred or aggravated during active military service. In evaluating whether a member can reasonably perform their duties, an evaluating Physical Evaluation Board (PEB) must consider deployability, common military tasks, physical fitness, and special qualifications. Alternatively, a member may be found unfit if: (1) their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; (2) the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or (3) the member possesses two or more conditions that have the overall effect of causing unfitness even though each condition, standing alone, is not separately unfitting.

In its review of the entirety of the available evidence, the Board found that Petitioner provided insufficient evidence to overcome the presumption of regularity and to prove, by a preponderance of the evidence, that the Marine Corps erred when it administratively separated him due to a diagnosed personality disorder, instead of referring him to the DES for an evaluation of fitness and potential disability separation or retirement.

In reaching this decision, the Board again noted that Petitioner's case file does not show his diagnosis (either prior to or after his discharge) with a service-connected mental health condition (i.e., one that was incurred or aggravated during service). Referral to the DES would therefore have been inappropriate, as the DES provides a pathway to disability separation or retirement only for service-connected medical conditions—which Petitioner has failed to prove he has.

In sum, following its review of the evidence, the Board found that Petitioner failed to meet his burden to prove, by a preponderance of the evidence, that the Marine Corps' actions at the time of his discharge were erroneous.

Then, having found the Marine Corps' action in this case not to be erroneous, the Board turned its attention to whether the Marine Corps' actions in this case were unjust, despite being appropriate under then-applicable standards and procedures. Following its deliberations, the Board observed that Petitioner's DD Form 214 describes his narrative reason for separation as "Convenience of the Government, Condition not a Disability, Personality Disorder (without Admin Discharge Board)," and that this reason may cause Petitioner stigma. Thus, the Board determined that his DD Form 214 should be re-issued to reflect that the reason for his discharge was "Secretarial Authority," with a change to the corresponding separation program designator as described below, in order to alleviate any stigma a personality disorder-based discharge may impart.

RECOMMENDATION

In view of the above, the Board recommends the following corrective action:

Correct Petitioner's record by issuing a new Certificate of Release or Discharge from Active Duty (DD Form 214) as follows:

Narrative Reason for Separation: Secretarial Authority

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Separation Program Designator: JFF

That a copy of this report of proceedings be filed in Petitioner's naval record.

That no further changes be made to 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.

5/4/2026

