



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

[REDACTED]
Docket No. 7971-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)
(c) USD Memo of 25 Aug 17 (Kurta Memo)
(d) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures
(2) Advisory Opinion (AO), 31 Dec 25

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 that his discharge characterization be upgraded to honorable. Enclosures (1) through (3) apply.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 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, applicable statutes, regulations, and policies, to include references (b) through (d). Additionally, the Board considered enclosure (2), the advisory opinion (AO) furnished by qualified mental health provider, 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 regulations within the Department of the Navy. Although Petitioner's 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 the case on its merits.
 - b. Petitioner enlisted in the Marine Corps and began a period of active duty on 24 January 1994. As part of his enlistment processing, Petitioner received a drug use waiver.
 - c. On 19 January 1997, Petitioner was arrested for driving while intoxicated, which resulted in him not being recommended for promotion to sergeant/E-5.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED] USMC

d. A subsequent alcohol use evaluation diagnosed him with alcohol abuse and recommended level II outpatient rehabilitation treatment. Petitioner completed level II treatment and was assigned to mandatory aftercare and Alcoholics Anonymous.

e. On 2 June 1997, Petitioner was issued administrative counseling documenting his alcohol-related incident and warning him that further alcohol abuse could result in administrative separation. On 4 June 1997, he received a second alcohol use evaluation that diagnosed him as alcohol dependent and recommended that he receive level III residential rehabilitation treatment.

f. In July 1997, Petitioner completed level III rehabilitation and was assigned to supervised continuing care for 12 months.

g. A duty logbook entry dated 8 August 1997 documented that Petitioner was at the front gate of the installation with military police demanding a ride and smelling of alcohol. He also admitted to drinking. This relapse was documented, via administrative counseling on 13 August 1997, as an alcohol rehabilitation failure. A medical record further noted that this relapse occurred prior to beginning his continuing care.

h. On 18 September 1997, Petitioner was late for duty. He was discovered asleep in his barracks room smelling from alcohol and still inebriated.

i. On 13 December 1997, Petitioner was notified of processing for administrative separation by reason of alcohol rehabilitation failure, with a least favorable possible characterization of service as General (Under Honorable Conditions) (GEN).

j. Commanding General, [REDACTED], approved Petitioner's administrative separation under honorable conditions and he was so discharged on 30 January 1998.

k. Petitioner contends that his treatment for malaria caused symptoms of anxiety, memory loss, and depression, which affected his behavior and performance. Because he was never referred for a mental health evaluation during service, his condition was not correctly diagnosed until years later, by the Department of Veterans Affairs (VA). His VA doctor opined that it is at least as likely as not that his mental health condition was caused by the anti-malarial treatment mefloquine, which is now known to have long-term neuropsychiatric effects. As a result, he believes it is an injustice that he received less than a fully honorable discharge for his alcohol rehabilitation failure. In support of his contentions, he submitted information on mefloquine side effects and warnings, service health records, his VA Disability Benefits Questionnaire, his in-service diagnosis of malaria, an article on malaria, and VA records of his benefits and rating decision.

l. Because Petitioner contends a mental health condition affected the circumstances of his discharge, the Board also requested enclosure (2) for consideration. It stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated on a number of occasions. He received a

diagnosis of an alcohol use disorder. Temporally remote to his military service, the VA has granted service connection for another mental health condition that is considered to have onset after his malaria treatment. Unfortunately, there is insufficient evidence to attribute his misconduct to a mental health condition. More weight has been given to the in-service mental health evaluations. Of note, though there are reported rare instances of depression or anxiety associated with anti-malarial prophylaxis treatment during the course of the medication administration, these symptoms typically resolve within a few weeks to months after discontinuation of the anti-malarial therapy. 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, "Based on a review of all available evidence, it is my considered clinical opinion that there is post-service evidence from the VA of a mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to a mental health condition, other than alcohol use disorder."

m. Petitioner submitted a rebuttal to the AO expanding his initial argument regarding the neuropsychiatric effects of mefloquine. After reviewing Petitioner's rebuttal evidence, the AO remained unchanged.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of references (b) through (d), the Board determined that it would be an injustice to label one's discharge as being related to an alcohol use disorder. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's discharge should not be labeled as "Alcohol Rehabilitation Failure" and that certain remedial administrative changes are warranted to the DD Form 214.

Notwithstanding the recommended corrective action below, the Board determined no further relief is warranted.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his alcohol related incidents after completing two separate alcohol rehabilitation treatments. While the Board carefully considered Petitioner's contention regarding his mental health condition related to mefloquine, the Board noted he did not deny committing the alcohol related offenses that formed the basis for his administrative separation and GEN characterization of service. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED] USMC

The Board also applied liberal consideration to Petitioner's 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 the Petitioner's post-service medical evidence. However, even applying liberal consideration, the Board found insufficient evidence to conclude that the conduct for which Petitioner was discharged was excused or mitigated by his mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and concurred with the AO.

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 a upgrade to his characterization of service, his contentions regarding mefloquine, the totality of his service, his relative youth and immaturity at the time of his misconduct, the negative effect his discharge has had on his life, the medical references Petitioner provided for review, and the passage of time since his discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any further equitable relief. Specifically, the Board found that the severity of Petitioner's conduct far outweighed all of the mitigating factors combined. In particular, the Board considered the risk Petitioner posed to other drivers and pedestrians when driving while intoxicated. In fact, the Board found that Petitioner has already been granted considerable clemency, with respect to his nearly four years of service, by processing him solely for alcohol rehabilitation failure despite his repeated alcohol-related misconduct. Further, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed he was given multiple opportunities to correct his alcohol related conduct deficiencies but chose to continue to commit misconduct, which led to his GEN 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. Finally, while the Board noted that flawless service is not required to receive an Honorable characterization of service, the frequency and gravity of Petitioner's conduct led them to conclude that his service was not Honorable. Based on the same rationale, the also determined Petitioner's assigned reentry code remains appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 30 January 1998, Petitioner was discharged was issued under the authority of "MARCORSEPMAN par 6214," for the narrative reason of "Secretarial Authority," with a separation code of "JFF1." All other information on the DD

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED] USMC

Form 214 shall remain the same.

That no further changes be made to Petitioner's record.

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.

3/25/2026

