



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

██████████  
Docket No. 7976-25  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 February 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 this 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, and applicable statutes, regulations, and policies, to include the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (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). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider and your response to that AO.

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 enlisted in the Marine Corps and began a period of active duty on 3 June 2002.
2. On 17 September 2004, you were counseled for being absent without authority for physical training and company formation.
3. On 7 December 2006, Commanding Officer, ██████████  
██████████ notified the Medical Officer that you were not within the Marine Corps body composition standards, had been advised that the loss of 25 pounds or 2 percent body fat would

be required, and this reduced weight/body fat percentage must be maintained within the six-month Body Composition Program (BCP) assignment period.

4. On 4 June 2007, you received nonjudicial punishment (NJP) for violating Uniform Code of Military Justice (UCMJ) Article 92 (driving a vehicle on a suspended driver's license on 17 April 2007) and Article 134 (physical intoxication on 29 April 2007), and were awarded reduction in rank to E-3, forfeiture of \$864 pay per month for 1 month, restriction for 45 days, and extra duties for 45 days.

5. On 8 June 2007, Commanding Officer, ██████████ notified the Medical Officer that you had been participating in the BCP and Remedial Physical Conditioning Program for five months and requested a medical re-evaluation.

6. On 2 August 2007, you were counseled concerning your unsatisfactory performance with assigned to the Marine Corps BCP.

7. On 29 August 2007, you received NJP for violating UCMJ, Article 86 (unauthorized absence (UA) from 6 to 7 August 2007), Article 92 (disobeying a lawful order not to leave ██████████ on 6 August 2007), Article 111 (a false official statement that you were given permission to leave ██████████), and Article 134 (physically intoxicated at ██████████).

8. On 6 September 2007, you were notified that administrative separation proceedings had been initiated against you on the basis of Weight Control/Body Composition Failure and the least favorable characterization of service you could receive was General (Under Honorable Conditions) (GEN). You waived your procedural rights except to receive copies of your separation documents.

9. Ultimately, on 2 November 2007, you were discharged from the Marine Corps on the basis of Weight Control Failure with a GEN characterization of service and assigned a reentry code of RE-3P.

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 record of failing to meet Marine Corps weight standards. While the Board carefully considered your contention for mitigation, the Board noted you did not deny meeting weight standards or committing the misconduct documented in your record. Therefore, the Board determined the presumption of regularity applies to the finding that no error exists with your reason for separation or assigned GEN characterization of service.

However, because you raised the issue of mental health, the Board also requested an AO. As part of the Board's review, a licensed clinical psychologist reviewed your contentions and the available records and issued an AO on 12 January 2026. The AO stated in pertinent part:

During military service, the Petitioner was diagnosed with an alcohol use disorder, for which he received treatment. There is no evidence that he was diagnosed with another mental health condition in military service. Temporally remote to his

military service, the VA has granted service connection for PTSD. Unfortunately, there is insufficient evidence to attribute his weight control failure to mental health concerns, given problematic behavior prior to his deployment. 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, "is my considered clinical opinion that there is post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence that the circumstances of his separation from service may be attributed to PTSD or another mental health condition."

In response to the AO, you argued that the AO does not fully consider cultural, personal, and emotional factors that contributed to your actions and behaviors during military service. Specifically, the impact of your grandfather's death and the absence of mental health counseling or culturally appropriate support at the time. You also assert that the roots of your alcohol use and behavioral issues during service were symptoms of unaddressed trauma and grief. After reviewing your rebuttal evidence, the AO remained unchanged.

The Board applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition 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 sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and your post-service medical evidence. However, even applying liberal consideration, the Board found insufficient evidence to conclude that the conduct for which you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion.

In addition to applying liberal consideration to your claimed mental health condition 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, your contentions, the totality of your service, 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, your rehabilitation efforts, your post-service record of accomplishments, your service to your community, your mental health issues, the character references you provided for review, 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 noted that although your record reflects two NJPs, you were notified of administrative separation proceedings on the basis of weight control/body composition failure, not due to misconduct. Furthermore, the Board noted that you received General characterization of service, which is not an adverse discharge characterization. The Board determined these two factors indicate you already received a large measure of clemency from the Marine Corps. Further, the Board noted that you were evaluated for the BCP

in December 2006, and received continual counseling, support and command engagement in the following months to assist in meeting expected standards. Nonetheless, you remained out of standards which led to your notification for administrative separation in September 2007. Therefore, the Board found that your separation from the Marine Corps with a General discharge with a narrative reason for separation of Weight Control Failure and an RE-3P was issued without injustice and did not find an upgrade of your discharge to Honorable to be warranted in the interests of justice. While the Board commends you for your post-service rehabilitation efforts and accomplishments, ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct.

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,

2/26/2026

