



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

██████████  
Docket No. 8201-25  
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) 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) of 29 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 be upgraded to "General (Under Honorable Conditions)." Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 1 May 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 the advisory opinion (AO) furnished by qualified mental health provider, which was previously provided to Petitioner. Although Petitioner was afforded an opportunity to submit a rebuttal, he chose not to do so.

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.

b. 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.

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c. Petitioner enlisted in the Marine Corps and began a period of active duty on 22 June 1980. As part of his enlistment processing, Petitioner admitted to pre-service drug abuse and received a waiver.

d. Between 9 July 1981 and on 22 September 1983, Petitioner received a total of six nonjudicial punishment actions for various violations of the Uniform Code of Military Justice (UCMJ) during his service, to include failure to go to his appointed place of duty at the time prescribed, striking a lance corporal with his fist, breach of the peace by wrongfully fighting in the barracks living quarters, disrespect toward a corporal, two specifications of being disrespectful in language toward a gunnery sergeant and for willfully disobeying a lawful order to be quiet, wrongfully communicating a threat toward a sergeant to injure him by violence, and failing to obey a lawful order to muster for restriction. During this period, Petitioner was counseled concerning his conduct and warned that further misconduct may result in administrative separation processing.

e. On 16 September 1983, Petitioner's command was informed his urinalysis had tested positive for cannabinoid use.

f. On 18 November 1983, Petitioner was notified of processing for administrative separation by reason of misconduct due to drug abuse and due to a pattern of misconduct (POM). After consulting legal counsel, he elected to voluntarily waive his right to a hearing before an administrative separation board. Commanding General, First Force Service Support Group, approved Petitioner's discharge under Other Than Honorable (OTH) conditions for the primary reason of misconduct due to drug abuse. On 23 December 1983, Petitioner was so discharged.

g. Petitioner contends that discharge record contains errors in that his last duty station is a mistake and does not document his deployment. He further contends that his discharge is an injustice and warrants liberal consideration because he suffered post-traumatic stress disorder following his deployment and that his substance use was self-medicating. He has learned from his past mistakes and has remained clean and sober for 10 years. He understands now that substance use does not solve any issue he's facing, including his mental health problems. He currently works at [REDACTED], as a veteran work supervisor. He cites combat experience during a deployment to an "undisclosed location" in or near [REDACTED], during which he incurred traumatic experiences resulting in post-traumatic stress disorder (PTSD), anxiety, depression, and substance abuse. He claims to have received substance abuse treatment from a veteran-only facility that assists homeless veterans. He also states that he attached substance abuse treatment records, Department of Veterans Affairs (VA) treatment records, and service treatment records; however, the referenced records were not included either with his initial application or in any subsequent communications with the Board, nor was another other medical evidence provided. Petitioner provided a personal statement, an annotated copy of his Certificate of Discharge or Release from Active Duty (DD Form 214), and a copy of reference (b) in support of his application.

h. Because Petitioner contends a mental health condition, the Board also requested enclosure (2) for consideration. The AO stated in pertinent part:

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During military service, the Petitioner was diagnosed with an alcohol use disorder. There is no evidence that he was diagnosed with another mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of another diagnosable mental health condition. He has provided no medical evidence in support of his claims. His misconduct appears consistent with an alcohol use disorder. Available records are not sufficiently detailed to establish clinical symptoms of another mental health condition. 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 insufficient evidence of a diagnosis of PTSD or another mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to PTSD or another mental health condition, other than alcohol use disorder."

#### CONCLUSION:

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

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. While the Board considered Petitioner's allegation of error, it noted Petitioner admitted to committing the misconduct that formed the basis of his administrative separation and OTH discharge. Further, the Board noted Petitioner provided no evidence, other than his statement, to substantiate his contentions of error. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

However, because Petitioner raised the issue of mental health, 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 insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO, and the fact Petitioner provided no medical evidence in support of his claim. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by a mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and recognized the same concerns raised in the AO. Moreover, even if the Board assumed that Petitioner's misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of his/her serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

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In addition to applying 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 Petitioner was discharged in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief was 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 an upgrade to his characterization of service, Petitioner's contentions, the totality of Petitioner's service to include service highlights, Petitioner's need for veterans' benefits, Petitioner's relative youth and immaturity at the time of his/her misconduct, Petitioner's rehabilitation efforts, Petitioner's post-service record of accomplishments, Petitioner's claimed mental health issues, the evidence Petitioner provided in support of his application, Petitioner's advanced age, and the passage of time since Petitioner's discharge.

The Board found that the mitigating factors were sufficient to justify some equitable relief. Specifically, the Board noted that Petitioner's narrative reason for separation of misconduct due to drug abuse reflects adversely upon his contended sobriety. The Board found his personal statement sufficiently compelling, even without further documentary evidence, to warrant changing his narrative reason for separation to a less negative reason and, therefore, found it in the interest of justice to grant partial relief in that respect.

Notwithstanding the recommended corrective action below, the Board determined no further relief was merited as a matter of equity. Specifically, the Board found that the severity and frequency of Petitioner's misconduct significantly outweighed the favorable factors he submitted for consideration to warrant an upgrade to his characterization of service. In particular, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given multiple opportunities to correct his/her conduct deficiencies but chose to continue to commit misconduct, which led to Petitioner's OTH 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. Further, the Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. Therefore, even taking into consideration all the mitigation factors in Petitioner's case, the Board found that his misconduct while on active duty outweighed the mitigation evidence offered to support an upgrade to his characterization of service. While the Board commended Petitioner for his post-service sobriety, ultimately, the Board concluded an upgrade of Petitioner's discharge characterization of service is not warranted in the interests of justice. Based on the same rationale, the Board determined Petitioner's assigned reentry code also 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

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(DD Form 214) indicating that, for the period ending on 23 December 1983, he was discharge under the authority of "MARCORSEPMAN par 6214," with a narrative reason of "Secretarial Authority," and separation code of "JFF1." That all other information currently listed on Petitioner's DD Form 214 remains 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.

5/28/2026

