



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

Docket No. 10508-25
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Aug 17 (Kurta Memo)
(c) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Naval record (excerpts)
(3) Advisory Opinion of 3 April 2026

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 an upgrade to his characterization of service on his Certificate of Release or Discharge from Active Duty (DD Form 214) to General (Under Honorable Conditions) (GEN).

2. The Board consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 18 May 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies including references (b) and (c). Additionally, the Board considered enclosure (3), an advisory opinion from a qualified mental health professional. The AO was considered favorable to Petitioner.

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.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 9 June 2008.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]

[REDACTED] USMC

d. Between 27 September 2008 and 5 October 2008, Petitioner had two periods of unauthorized absence (UA) totaling five days. On 9 October 2008, Petitioner was counseled concerning his two previous periods of UA and advised that failure to take corrective action could result in administrative separation. On the same date, Petitioner was evaluated by a medical officer as a result of depressive issues and diagnosed with Adjustment Disorder with Disturbance of Emotions and Conduct.

e. Between 10 October 2008 and 9 November 2008, Petitioner had two additional periods of UA totaling 27 days. Consequently, Petitioner was counseled concerning his previous periods of UA and advised that failure to take corrective action could result in administrative separation.

f. On 18 November 2008, the Petitioner's previously diagnosed medical condition was revised to Adjustment Disorder with Anxiety.

g. On 26 November 2008, Petitioner received nonjudicial punishment (NJP) for the periods of UA. On 16 December 2008, Petitioner was counseled concerning his refusal to attend Transition Assistance Program (TAP) classes.

h. After the Petitioner's administrative separation proceedings were determined to be sufficient in law and fact, the separation authority approved and ordered an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to pattern of misconduct. On 31 December 2008, Petitioner was so discharged.

i. Petitioner The Petitioner contends that his discharge was inequitable and disproportionately harsh considering his age, immaturity, and untreated mental health condition at the time of service. He received an OTH discharge for repeated periods of unauthorized absence (UA) at age 18 after serving approximately six months, including time in basic training, a legal holding platoon, and less than one month in the brig. Petitioner states he entered the Marine Corps under pressure from his recruiter despite doubts about enlistment. After being recycled from his original training platoon, he experienced isolation, verbal abuse, and rejection from fellow recruits, which intensified his anxiety and emotional distress. At the time, he lacked the maturity, coping skills, and understanding of mental health needed to manage the stress. In 2025, the Petitioner was formally diagnosed with Generalized Anxiety Disorder (GAD), which helped him understand how untreated anxiety contributed to his poor judgment, panic under stress, and eventual UA incidents. While accepting responsibility for his actions, he believes his discharge failed to adequately consider his youth and underlying mental health condition. Since discharge, the Petitioner has completely reformed his life. He has maintained stable employment, graduated from college, earned his Registered Nurse (RN) license, and has no criminal record. He now serves his community as a registered nurse and lives with integrity and discipline.

j. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

There is evidence that the Petitioner was diagnosed with a mental health condition in military service. An adjustment disorder is generally considered to be a

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]

[REDACTED] USMC

temporary mental health condition, resolving once the stressor, such as military service, is resolved. Petitioner has provided evidence of diagnoses of other mental health concerns that are temporally remote to military service and appear unrelated. While it is possible that symptoms considered temporary in service may have been re-conceptualized as chronic with the passage of time and increased understanding, there is insufficient information regarding his current diagnoses to make such a conclusion. However, it is possible to consider the Petitioner's UA as avoidance consistent with the difficulty adjusting that he experienced in service.

The AO concluded, "Based on a review of all available evidence, it is my considered clinical opinion that there is in-service evidence of a mental health condition that may be attributed to military service. There is post-service evidence from the Petitioner that his misconduct may be attributed to a mental health condition."

CONCLUSION:

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

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. The Board noted Petitioner admitted to committing the misconduct that formed the basis of his administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's OTH discharge 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 to have developed an untreated 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 Kurta Memo. Applying such liberal consideration, the Board found sufficient evidence to conclude that Petitioner was diagnosed with a mental health condition in military service. This conclusion is supported by the AO. Additionally, after applying liberal consideration, the Board found sufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by his mental health conditions. In this regard, the Board again concurred with the AO. Based on this finding, the Board determined it was in the interests of justice, purely as a matter of clemency, to upgrade Petitioner's characterization of service to General (Under Honorable Conditions).

Notwithstanding the recommended corrective action below, the Board determined no additional relief was warranted.

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 Kurta Memo, 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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]

[REDACTED] USMC

contentions, the non-violent nature of Petitioner's misconduct, Petitioner's relative youth and immaturity at the time of his misconduct, Petitioner's mental health issues, the evidence Petitioner provided in support of her application, and the passage of time since Petitioner's 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 misconduct far outweighed all of the mitigating factors combined. In particular, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Additionally, while the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's misconduct led them to conclude that his service was not Honorable. While the Board acknowledged the personal difficulties Petitioner has endured, ultimately, the Board concluded a further upgrade of Petitioner's discharge characterization of service is not warranted in the interests of justice.

Based on the same rationale, the Board also found that Petitioner's reason for separation, separation code, separation authority, and reentry code remain appropriate. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action below.

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

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214), for the period ending 31 December 2008, that indicates he was discharged with a "General (Under Honorable Conditions)" characterization of service. That all other information currently listed on Petitioner's DD Form 214 remains the same.

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 Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6/10/2026

