







be other than honorable (OTH). Your request was granted, and on 10 August 1992, you were so discharged.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 20 August 2021. The AO noted that your in-service records did not contain evidence of a diagnosis of a mental health condition or psychological / behavioral changes, which may have indicated a mental health condition. Although you claimed a mental health condition, you did not provide any description of symptoms, which would meet the criteria for a mental health condition, indicate how those symptoms interfered with your ability to function, or linked any symptoms to your misconduct. The AO concluded by opining that the preponderance of objective evidence failed to establish that you suffered from an unfitting mental health condition at the time of your military service, or your in-service misconduct could be attributed to an unfitting mental health condition.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contention that you were dealing with some underlying mental health conditions that were not being properly appropriately diagnosed. After careful consideration of the AO and applying liberal consideration, the Board did not find an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to your contention as previously discussed and your desire to upgrade your discharge character of service. The Board noted you did not submit any documentation or advocacy letters in support of your application to be considered for clemency consideration. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your subsequent separation at your request to avoid trial by court-martial for a UA totaling 550 days, outweighed these mitigating factors. 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

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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,

10/22/2021

[REDACTED]

Executive Director

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