

reason of misconduct due to a pattern of misconduct. You consulted with counsel and waived your procedural right to request an administrative discharge board. On 4 January 1994, you were discharged with an other than honorable characterization of service.

You contend that you regrettably had a few issues with drugs and alcoholism. You state you were treated for patellofemoral pain syndrome (knee pain) while on active duty. You also claim that your proficiency and conduct marks do not reconcile with your type of discharge. Finally, you state you are trying to put your life in order and recently learned of your eligibility for benefits due to alcoholism and depression.

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 your contentions noted above and your desire to upgrade your discharge. The Board also relied on the AO in making its determination. The AO noted that your service record did not contain evidence of a diagnosis of a mental health condition or reported psychological symptoms/behavioral changes indicative of a diagnosable unfitting mental health condition. Unfortunately, you did not provide clarifying information about your depression and the lack of clarifying information made available did not provide enough markers to establish an onset and development of mental health symptoms or identify a nexus with your misconduct. Consequently, the AO concluded that the preponderance of available objective evidence failed to establish you suffered from a mental health condition at the time of your military service or that your in-service misconduct could be mitigated by a mental health condition. Based upon this review, the Board concluded that the potentially mitigating factors in your case were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your three NJPs, outweighed these mitigating factors. In making this finding, the Board noted that your misconduct showed a complete disregard for military authority and regulations. Accordingly, given the totality of the circumstances, the Board determined that 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,

3/28/2022

[REDACTED]
Executive Director
[REDACTED]