



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

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Docket No: 4818-21  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A three-member panel of the Board, sitting in executive session, considered your application on 24 January 2022. 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 the 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 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). In addition, the Board considered the advisory opinion (AO) furnished by a qualified mental health professional dated 17 November 2021, which was previously provided to you.

You enlisted in the Navy and began a period of active duty on 17 July 1986. On 13 February 1987, you received nonjudicial punishment (NJP) for making a false official statement and wrongfully soliciting others to disobey a general regulation. On 17 February 1987, you were counseled concerning your NJP and warned that further misconduct could result in administrative discharge action. On 5 February 1988, you received NJP for 107 days of

unauthorized absence. Additionally, you were notified of administrative discharge action for misconduct due to commission of a serious offense. After you were advised of your procedural rights, you waived your right to have your case heard before an administrative discharge board. Your case was forwarded to the separation authority with the recommendation that you receive an other than honorable (OTH) discharge. On 11 February 1988, the separation authority directed that you receive an OTH discharge for misconduct due to commission of a serious offense. On 29 February 1988, you were discharged from the Navy with an OTH characterization of service.

A qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO regarding your assertion that you were suffering from an opioid addiction or mental health condition during your service. The AO noted that based on the current available evidence, there is insufficient evidence that you incurred PTSD or another unfitting mental health condition during military service, and there is insufficient evidence that your discharge could be attributed to an unfitting mental health condition.

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 assertions that: (a) you had undiagnosed PTSD and other mental conditions, your mother was dying from cancer; (b) you were 18, young and dumb, had never been away from home, and were fresh out of high school; and (c) it was a mistake, you are sorry for your actions and you were trying to find your way. 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 two NJPs, for serious offenses, and the fact that you were counseled concerning misconduct after your first NJP outweighed these mitigating factors. The Board also concurred with the AO that based on the current available evidence, there is insufficient evidence that you incurred PTSD or another unfitting mental health condition during military service, and there is insufficient evidence that your discharge could be attributed to an unfitting mental health condition. 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,

1/26/2022

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Executive Director  
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