

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 11 January 2022. The AO stated in part that based on the available evidence, it is my medical opinion that there is insufficient evidence that the Petitioner may have an unfitting mental health condition during military service. There is insufficient evidence that his misconduct 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 desire to upgrade your discharge and contention that you incurred a mental health condition during military service due to personal financial, marital, and medical stressors, which contributed to your misconduct.

Unfortunately, after careful consideration of the AO, your failure to submit supporting documentation, 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.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct as evidenced by your two NJPs and violation of the Navy's "Zero Tolerance" drug policy outweighed the potential mitigating factors. As a result, when weighing the seriousness of your misconduct against the brevity of your active duty service, the Board concluded that the preponderance of the evidence supports a finding that your conduct was a significant departure from that expected from a Sailor and merits an Other than Honorable characterization of service. 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 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,

3/3/2022

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Executive Director

Signed by: █