



**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: 6115-21  
Ref: Signature Date



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.

Although you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 14 February 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 2 December 2021, which was previously provided to you.

You enlisted in the Navy Reserve and began a period of active duty for training on 11 January 1989. On 30 November 1989, you were released from active duty and transferred back to your reserve unit. On 9 April 1992, a Notification of administrative separation and Statement of Awareness was prepared and forwarded to you due to your unsatisfactory participation in the Naval Reserve following the performance of involuntary active duty time from 6 to 17 January 1991. On 6 August 1992, a letter to the separation authority from your commanding officer stated you did not respond to his Letter of Notification and Statement of Awareness. It was stated that your drills were reestablished but you still showed no interest in fulfilling your drilling obligation. Therefore, it was the opinion of the command that you had no intention to

fulfill your drilling obligation, nor could you be a positive asset to the Naval Reserve. It was recommended that you be discharge under other than honorable (OTH) conditions. On 27 August 1992, the Chief of Naval Personnel determined you were below minimum potential for useful service under conditions of full mobilization. It was directed that you be separated from the Navy Reserve with an OTH discharge by reason of unsatisfactory participation in the Ready Reserve, as evidenced by your failure to maintain satisfactory drill participation following completion of 12 days additional annual training. On 10 September 1992, you received an OTH discharge due to unsatisfactory participation in the Navy Reserve.

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 was suffering from a mental health condition during your service. The AO noted that based on the available evidence, there is insufficient evidence that you incurred an unfitting mental health diagnosis during military service, and there is insufficient evidence that your 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 assertions that you served honorably and exceptionally despite many breaches the Navy made in your enlistment contract. You argued that once you graduated from Submarine Sonar "A" School, you would receive an enlistment bonus and promotion, but was denied because you enlisted in the Reserves, despite the fact that you were at the top of your class in basic, student of the week, and at the top of your sonar class. Additionally, you claimed that you were offered the option of an honorable discharge after completion of sonar school, in lieu of the required bonus and promotion, but you wanted to serve and continue on to basic enlisted submarine school. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your unsatisfactory participation in the Navy Reserve outweighed your unsubstantiated allegations. The Board also concurred with the AO that based on the available evidence, there is insufficient evidence that you incurred an unfitting mental health diagnosis during military service, and there is insufficient evidence that your misconduct 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,

2/16/2022

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Executive Director  
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