



**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: 6568-21  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 7 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 15 December 2021, which was previously provided to you.

You enlisted in the Navy and began a period of active duty on 25 April 1986. On 1 May and 29 August 1986, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 9 May 1987, you received nonjudicial punishment (NJP) for drunk driving. In April 1987, you were diagnosed as being alcohol dependent and received alcohol rehabilitation treatment. On 13 October 1988, a Navy Drug Lab message reported you tested positive for wrongful use of methamphetamine. On 18 October 1988, you were notified of administrative discharge action by reason of misconduct due to commission of a serious offense, and misconduct due to drug abuse. After being afforded your procedural rights, you elected to waive your right to have your case heard before an administrative discharge board. On 19 October 1988, you received NJP for wrongful use of methamphetamine. On 21 October 1988, medical personnel determined you were psychologically dependent but not physically dependent on alcohol, were a drug abuser,

and in need of further treatment via the Veterans Administration or a Counseling and Assistance Center for relapsed alcoholism. On 22 October 1988, your case was forwarded to the separation authority with the recommendation that you receive an other than honorable (OTH) discharge. On 29 October 1988, the separation authority directed that you receive an OTH discharge due to drug abuse. On 10 November 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 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 condition 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: (a) you suffered from Bi-Polar Depression Disorder and Attention Deficit Hyperactivity Disorder, which degraded your judgment; (b) at the time of your NJP, you lacked the capacity or reasonableness to understand the consequences of your actions; (c) the Department of Veterans Affairs (DVA) determined your military service to be honorable for DVA purposes; and (d) the reasons behind your offense has not changed, meaning that your diagnosis was the same back in 1988, as it is today. 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, one of which was for wrongful drug use, diagnoses of alcohol dependence and the fact that you were briefed on the Navy's policy regarding drug and alcohol abuse outweighed these mitigating factors. The Board also concurred with the AO that based on the available evidence, there is insufficient evidence that you incurred an unfitting mental health condition 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,

2/11/2022

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Executive Director

Signed by: █