



You enlisted in the Navy and began a period of active duty on 12 March 1990. On 14 November 1991, you were convicted by a special court-martial (SPCM) of an unauthorized absence from 31 May 1991 to 10 September 1991, totaling 102 days. As punishment, you were sentenced to confinement. On 3 December 1991, you were diagnosed with a personality disorder after expressing suicidal ideations. Subsequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of convenience of the government due to the diagnosed personality disorder and misconduct due to commission of a serious offense. You were advised of, and waived your procedural rights to consult with military counsel and to present your case to an administrative discharge board (ADB). Your commanding officer (CO) then forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy with a General (Under Honorable Conditions) characterization of service. The Chief of Naval Personnel (CNP) recommended to the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)) that you be administratively discharged from the Navy under Other Than Honorable (OTH) conditions by reason of misconduct due to commission of a serious offense, as evidenced by your SPCM conviction. Subsequently, the ASN (M&RA) approved and directed your administrative discharge from the Navy. On 12 March 1992, you were discharged from the Navy with an OTH characterization of service by reason of misconduct due to commission of a serious offense.

Post-discharge, you petitioned the Naval Discharge Review Board (NDRB) for an upgrade to your characterization of service. The NDRB denied your request on 29 August 1995.

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 character of service and assertion that your lack of judgement was due to the stress of things that you witnessed while serving, which made you unable to eat, think, and make sound decisions of your actions. You further argued that prior to your separation it was noted that you were “diagnosed with a cardio vascular disease.” For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters.

As part of the Board’s review, a qualified mental health professional reviewed your request and provided the Board with an AO on 9 May 2022. The AO noted in pertinent part:

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated during an inpatient hospitalization. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis indicates lifelong characterological traits are unsuitable for military service since they are not typically amenable to treatment within the operational requirements of Naval Service. Unfortunately, he has provided no medical evidence to support his claims. His in-service misconduct appears to be consistent with his diagnosed personality disorder, rather than evidence of PTSD or another mental health condition incurred in or exacerbated by military service. Furthermore, it is difficult to consider how

PTSD or another mental health condition would account for his misconduct, given his repeated statements in service that his UA was related to poor management of family circumstances, rather than avoidance due to trauma exposure. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) would aid in rendering an alternate opinion.

The AO concluded, “[b]ased on the available evidence, it is my clinical opinion that there is insufficient evidence of a diagnosis of PTSD or another mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to PTSD or another mental health condition, other than his diagnosed personality disorder.”

Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your SPCM conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct showed a complete disregard for military authority and regulations. Additionally, the Board concurred with the AO that there is insufficient evidence that your misconduct may be attributed to PTSD or another mental health condition, other than your diagnosed personality disorder. As a result, the Board determined your conduct constituted a significant departure from that expected of a Sailor and continues to warrant an OTH characterization. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded 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,

7/7/2022

█

Executive Director

█