



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

█  
Docket No: 7894-21  
Ref: Signature Date

█  
Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted 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 limitations 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 25 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 this 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). The Board also considered the advisory opinion (AO) furnished by a qualified mental health provider, which was previously provided to you. Although you were afforded the opportunity to submit a rebuttal, you did not do so.

You enlisted and began a period of active duty in the Navy on 22 August 1991. On 10 June 1994, you underwent a drug and alcohol evaluation stemming from your supervisor's concerns that you may have had a drinking problem. You were diagnosed with Attention Deficit Disorder, found fit for duty, and enrolled in a stress management class. On 27 July 1994, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty and for driving under the influence of alcohol in violation of Articles 86 and 111, Uniform Code of Military Justice (UCMJ). On 15 August 1994, you underwent a psychiatric evaluation and were diagnosed with Alcohol Abuse, Life Circumstances Problem, and Passive-Aggressive Personality Disorder, severe. The

medical officer recommended your administrative separation processing. On 1 September 1994, you were arrested by civil authorities for driving while under the influence of alcohol. You were notified of administrative separation processing on 28 September 1994, by reason of misconduct due to commission of a serious offense, based on a violation of Article 111, UCMJ that occurred on 2 July 1994 and your civilian arrest for violation of a civil code, driving while under the influence of alcohol that occurred on 1 September 1994. You requested an Administrative Discharge Board (ADB) which convened on 29 September 1994. The ADB unanimously substantiated that misconduct had occurred and recommended your separation from the service with an other than honorable characterization of service. You were so discharged on 27 January 1995.

You contend that as your active duty enlistment period continued, you began to struggle with your mental health and alcohol abuse. You state that as a result of your continued struggles, you made a series of unfortunate decisions that prematurely ended your career in the Navy. You contend the doctor recommended, and you requested rehabilitation, but the command failed to send you. You further state an overly critical Chief Petty Officer wanted to make an example of you and that caused you stress and excessive alcohol use.

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 contentions noted above, desire to upgrade your discharge, and post-service accomplishments. The Board also relied on the AO in making its determination. The AO noted in pertinent part that in-service, you were diagnosed with alcohol use disorder and personality disorder, indicating that military service was not suitable to you. Furthermore, there were no post-service medical records submitted in support of your claims, and your statement was not sufficiently detailed to establish a nexus with your misconduct. Consequently, the AO concluded there was insufficient evidence that you incurred an unfitting mental health condition during military service, and insufficient evidence that your misconduct could be attributed to an unfitting mental health condition. Based upon this review, the Board concluded that the potentially mitigating factors in your case were insufficient to warrant relief. Specifically, the Board determined that the seriousness of your misconduct, as evidenced by your NJP, civilian arrest for driving under the influence of alcohol, and SCM, outweighed these mitigating factors. 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,

3/15/2022

[REDACTED]  
Executive Director

Signed by [REDACTED]