



As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 3 March 2022. The AO noted that there is no evidence you were diagnosed with a mental health condition during your military service and, throughout your disciplinary processing, there were no concerns raised of a mental health condition that would have warranted a referral for an evaluation. The AO further stated that you provided no post-service medical evidence in support of your claims and your statement is not sufficiently detailed to establish a nexus with your misconduct. As a result, the AO concluded that additional records are required to render an alternate opinion and stated there is insufficient evidence that you may have incurred a mental health condition during military service or that your misconduct could be attributed to a mental health condition.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contentions that you were young and needed help and guidance on how to address the pressure from issues at home. You further state that you had an exemplary record for several years but that circumstances with your family affected your performance. Additionally, you argue that you attempted to work with your command, looking for a solution to your issues and help to relieve the stress that you were under, however, being an immature young man, in a sad state of mind, lacking any help or guidance, you caved into the pressure to make some poor decisions from the heart and returned home to assist your family. Unfortunately, the Board, applying liberal consideration, relying on the AO, and noting you did not submit any documentation regarding your mental health conditions, 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.

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 submission of supporting documentation, your statement and contentions as previously discussed and your desire to upgrade your discharge character of service. Based upon this review, the Board concluded that your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct as evidenced by your NJP and SPCM conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that your misconduct showed a complete disregard for military authority and regulations. In particular, the Board felt your UAs totaling well over 600 days was particularly egregious. As a result, the Board determined that your conduct was a significant departure from that expected of a Sailor and continues to warrant the BCD. 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,

4/28/2022

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Executive Director

Signed by: █