



administrative discharge from the Navy with an Other Than Honorable (OTH) characterization of service. The SA approved the CO's recommendation and directed your OTH discharge from the Navy by reason of misconduct due to commission of a serious offense, and on 8 July 1993, you were so discharged.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 10 March 2022. The AO noted in pertinent part:

In service, the Petitioner was diagnosed with substance abuse, but not dependence. Throughout his disciplinary processing, there were no concerns raised of another mental health condition that would have warranted a referral for evaluation. Unfortunately, he has provided no post-service medical evidence in support of his claims. His personal statement is not sufficiently detailed to support his contention of PTSD or establish a nexus with his misconduct. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) are required to render an alternate opinion.

The AO concluded, "[B]ased on the available evidence, it is my clinical opinion that there is insufficient evidence that he may have incurred PTSD during military service. There is insufficient evidence that his misconduct could be attributed to PTSD."

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your statement that you are having anxiety, sleeping problems, and PTSD. You further assert that you would like to be eligible for benefits. Unfortunately, the Board, applying liberal consideration, relying on the AO, and noting you did not submit any documentation regarding your PTSD or other mental health condition, 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 statement as previously discussed and your desire to upgrade your discharge character of service. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters. 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 two NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included a drug offense. Additionally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating Department of Veterans Affairs benefits, or enhancing educational or employment opportunities. Ultimately, the Board determined your conduct showed a complete disregard for military authority and regulations. As a result, the Board concluded your conduct was a significant departure from that expected from a Sailor and continues to warrant an OTH characterization. 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,

5/5/2022

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Executive Director

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