



administrative discharge from the Navy by reason of misconduct due to commission of a serious offense and misconduct due to pattern of misconduct. 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 (SA) recommending your administrative discharge from the Marine Corps with an Other Than Honorable (OTH) characterization of service. Prior to the SA's decision, on 6 April 1994, you received your fourth NJP for six specifications of UA. Subsequently, the SA approved and directed your OTH discharge from the Navy. On 22 April 1994, you were discharged from the Navy with an OTH characterization of service by reason of misconduct due to pattern of misconduct.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 19 April 2022. The AO noted in pertinent part:

Among available records, there is no evidence of a mental health diagnosis in military service. Post-service, civilian providers have diagnosed him with PTSD attributed in part to trauma incurred during military service. Other post-service mental health diagnoses are temporally remote from military service, and there is no evidence that they could be attributed to military service. His report of military trauma is inconsistent with his service record, as he was discharged in April 1994 but reported the fatal car accident occurred in May 1994, which makes it difficult to consider that he is a reliable historian. While UA could be related to PTSD avoidance symptoms, his personal statement and medical records are lacking sufficient detail to establish a nexus with his misconduct. Additional records (e.g., service medical records describing the Petitioner's diagnosis and symptoms in service, or records detailing 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 some post-service evidence of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence of another mental health condition that could be attributed to military service. There is insufficient evidence that his misconduct could be attributed to PTSD or another 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 supporting documentation and your desire to upgrade your discharge character of service. The Board also considered your contentions that you incurred PTSD from a personal assault and witnessing the death of other service members while you were on active duty and that you feel that these events affected your mental health, which resulted in your discharge. 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 four NJPs, outweighed these mitigating factors. In making this finding, the

Board considered the seriousness of your misconduct and concluded your record of misconduct showed a complete disregard for military authority and regulations. The Board also considered the negative impact your conduct likely had on the good order and discipline of your command. Finally, the Board concurred with the AO and determined that there is insufficient evidence that your misconduct could be attributed to PTSD or another mental health condition. 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,

7/5/2022

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Executive Director

Signed by: ■