



forwarded your administrative separation package to the separation authority (SA) recommending your administrative discharge from the Navy with an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation for administrative discharge and directed your OTH discharge from the Navy. Prior to your administrative discharge, you were hospitalized, evaluated, and received treatment for a diagnosed medical condition. Subsequently, a medical board determined that you were physically fit to be released from active duty. On 14 May 1987, you were discharged from the Navy with an OTH characterization of service by reason of misconduct due to pattern of misconduct.

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 contentions that: (1) you received unfair treatment that resulted in your administrative separation; (2) you incurred PTSD due to sexual harassment you received from a fellow Sailor; (3) you constantly made complaints about the sexual harassment you were receiving, but no one assisted you with your complaints; (4) you did not receive mental health treatment for your symptoms of PTSD or alcohol use disorder that subsequently developed, and (5) you was young and intimidated by your superiors, and was coerced into signing separation papers instead of receiving proper medical and behavior treatment. For purposes of clemency consideration, the Board noted you provided advocacy letters; however, you did not provide other supporting documentation describing post-service accomplishments.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 2 June 2022. The AO noted in pertinent part:

There is no evidence that he was diagnosed with a mental health condition other than alcohol use disorder during military service. Problematic alcohol use is incompatible with military readiness and discipline and considered amenable to treatment, depending on the individual's willingness to engage in treatment; and there is no evidence he was unaware of his misconduct or not responsible for his behavior. Throughout his disciplinary actions, counselings, and administrative processing, there were no concerns noted which would have warranted referral to mental health resources, other than outpatient counseling for alcohol use disorder. Although he claimed PTSD, he did not provide a timeline of his purported trauma, describe symptoms which would meet the criteria for PTSD, or indicate how those symptoms interfered with his ability to function. Unfortunately, the dearth information made it difficult to establish an onset and development of mental health symptoms or identify a nexus with his in-service misconduct. 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 that may be attributed to military service. There is insufficient evidence that his misconduct could be attributed to PTSD."

In response to the AO, you provided new supporting documentation that supplied additional clarification of the circumstances of your case and reiterated your arguments of mitigation.

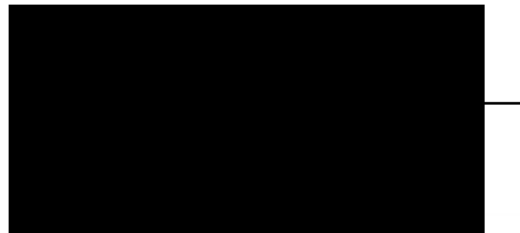
Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your four NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your 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. While the Board considered your contention that your administrative processing was unfair and coerced, the Board found no evidence and you provided none to substantiate your contention. Therefore, the Board relied upon the presumption of regularity that your administrative separation process was conducted properly in accordance with applicable regulations. Further, the Board found no evidence that supports your contention of sexual harassment, unfair treatment, or discrimination. Regarding your arguments involving your diagnosed medical condition, the Board noted you were appropriately discharged based on your misconduct. As explained in the SA discharge authorization of 4 May 1987, applicable disability regulations in effect at the time directed misconduct based administrative separation processing to supersede disability processing. Finally, the Board concurred with the AO that there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service, and there is insufficient evidence that your misconduct could be attributed to PTSD. 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. While the Board commends your post-discharge good conduct, 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,

8/3/2022

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