

separation under Other Than Honorable (OTH) conditions noted that you had been apprehended twice while in a UA status, fled from a liberty risk status by climbing down a storm line, and caused a significant disruption within the command because of poor hygiene standards, your demeanor with authorities and peers, and your refusal to work. Ultimately, you were discharged on 1 January 2002.

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 and your contentions that you suffered trauma, developed fear and trust issues, and eventually absented yourself without leave after seeking medical care for several conditions which resulted in hospitalization and bed rest. You also felt that your health concerns were ignored and that you were suffering following the loss of a loved one and death of a friend. Further, you state that you were diagnosed with depression and attention-deficit hyperactivity disorder (ADHD) during your military service and also diagnosed with kidney disease several months after your discharge, which ultimately required a kidney transplant. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters.

Because you contend that post-traumatic stress disorder (PTSD) or another mental health (MH) condition affected your discharge, the Board also considered the AO. The AO states in pertinent part:

Petitioner's OMPF did not contain evidence of a diagnosis of a mental health condition or reported psychological symptoms indicative of a diagnosable mental health condition. Petitioner provided confirmation of a medical diagnosis during his military service. Unfortunately, he did not provide clarifying information about the trauma related to his PTSD or information about his MHC (i.e., in-service or post-discharge diagnoses/treatment, during which confinement did the trauma occur, symptoms experienced). The lack of clarifying information did not provide enough markers to establish an onset and development of mental health symptoms. Furthermore, there was no nexus established between his in-service misconduct and purported post-discharge diagnoses of PTSD and MHC. Additionally, misconduct such as wearing earrings and other body piercings, as well as lying about throwing away a tongue ring, or smoking cigarettes in the barracks would not be attributable to PTSD or other mental health condition.

The AO concluded, "[b]ased on the available evidence, it is my considered clinical opinion, that there is insufficient evidence to establish if Petitioner's purported PTSD can be attributed to military service, if his purported post-service diagnosed mental health condition can be attributed to military service, or if his in-service misconduct/behavior can be attributed to PTSD or other mental health condition."

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP and SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and determined it showed a complete disregard for military authority and regulations. The Board also considered the negative impact

your conduct had on the good order and discipline of your unit. Further, the Board noted that you did not provide sufficient evidence to substantiate your assertions regarding poor medical treatment or your mental health condition at the time. Finally, the Board concurred with the AO that there is insufficient evidence to establish if your in-service misconduct/behavior can be attributed to PTSD or other mental health condition. As a result, the Board concluded 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 that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the 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 is attached 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,

8/11/2022

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Executive Director

Signed by: █