



identification cards, wrongfully eating food in the berthing area, engaging in a fight and using provoking language. On 27 March 1990, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative separation. On 7 April 1990, you were diagnosed with severe borderline personality disorder. On 16 May 1990, you received your second NJP for two specifications of failure to go to your appointed place of duty, disrespect toward a commissioned officer and noncommissioned officer and disobeying a general regulation. On 27 June 1990, you received your third NJP for failing to make restricted muster. On 9 July 1990, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to commission of a serious offense, misconduct due to pattern of misconduct, and convenience of the government due to the diagnosed personality disorder. You elected your procedural right to consult with military counsel and to present your case to an administrative discharge board (ADB). On 30 July 1990, an ADB was convened and determined that the preponderance of the evidence supported a finding of misconduct and recommended that you be separated from the Navy with an Other Than Honorable (OTH) characterization of service. The separation authority approved the recommendation for administrative discharge and directed your OTH discharge from the Navy. On 21 August 1990, 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 Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to upgrade your discharge character of service and contentions that that “prior to January 1990,” your mental health was fine but after that time, the environment around you caused your mental health to decline. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

As part of the Board’s review, a qualified mental health professional reviewed your request and provided the Board with an AO on 22 August 2022. The AO noted in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during her enlistment. Her personality disorder diagnosis was based on observed behaviors and performance during her period of service, the information she chose to disclose, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service. Post-service, she has submitted evidence of mental health diagnoses (depression and anxiety), which have been attributed to military service. Unfortunately, her personal statement and available records are not sufficiently detailed to establish a nexus with her misconduct, as she claims that her mental health concerns began after she incurred penalties for her misconduct. Additional records (e.g., post-service mental health records describing the Petitioner’s diagnosis, symptoms, and their specific link to her misconduct) would aid in rendering an alternate opinion.

The AO concluded, “it is my considered clinical opinion there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service. There is post-service evidence of other mental health conditions (depression and anxiety) that may be attributed to military service. There is insufficient evidence her misconduct could be attributed to PTSD or another mental health condition.”

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 three 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. Further, the Board also considered the likely negative impact your conduct had on the good order and discipline of your command. Furthermore, the Board concurred with the AO and determined that while there is post-discharge evidence of other mental health conditions (depression and anxiety) that may be attributed to military service, there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service or that your misconduct could be attributed to PTSD or another mental health condition. As pointed out in the AO, your personal statement and available records are not sufficiently detailed to establish a nexus with your misconduct, as you claim that your mental health concerns began after you incurred penalties for your misconduct. 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. Even in light of the Wilkie Memo and reviewing the record holistically, 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,

11/2/2022

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Executive Director

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