



is “Misconduct Due to Pattern of Misconduct,” your separation code is “JKA,” and your reenlistment code is “RE-4.”

Post-discharge, you petitioned the Naval Discharge Review Board (NDRB) for an upgrade to your characterization of service. The NDRB denied your request, on 23 August 2011, after determining your discharge was proper as issued.

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 assertion that the Department of Veterans Affairs (VA) confirmed that you have a service-connected disability for post-traumatic stress disorder (PTSD). 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 18 July 2022. The AO noted in pertinent part:

There is no evidence Petitioner was diagnosed with a mental health condition during his service. Petitioner did provide documentation of a post-service PTSD diagnosis for which he is service connected. Unfortunately, Petitioner did not provide clarifying information about the trauma related to his PTSD (i.e., when the traumas occurred, symptoms experienced, symptom onset). The lack of clarifying information made available did not provide enough markers to establish an onset and development of mental health symptoms.

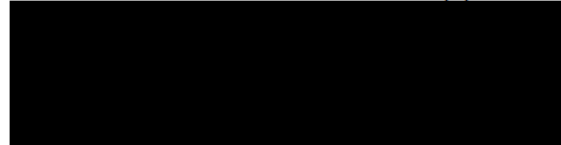
The AO concluded, “it is my considered clinical opinion, there is post-discharge evidence of PTSD that can be attributed to military service. There is insufficient evidence the circumstances surrounding his separation could be attributed to PTSD.”

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 pattern of misconduct discharge, outweighed these mitigating factors. In making this finding, the Board considered the negative impact your performance and conduct likely had on the good order and discipline of your command. Additionally, the Board concurred with the AO and determined that while there is post-discharge evidence of PTSD that can be attributed to military service, there is insufficient evidence the circumstances surrounding your separation could be attributed to PTSD. As pointed out in the AO, the lack of clarifying information made available did not provide enough markers to establish an onset and development of mental health symptoms. As a result, the Board determined significant negative aspects of your service outweigh the positive aspects and continues to warrant a General (Under Honorable Conditions) characterization. While the Board empathized with your current medical condition, 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,

10/6/2022

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Executive Director

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