



On 31 March 1987, the Drug and Alcohol Abuse Program (ADAP) determined you were alcohol dependent and recommended your separation from the Navy with a referral to the Department of Veterans Affairs (DVA) for treatment. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and alcohol rehabilitation failure. After electing to exercising your rights to make a statement, your commanding officer (CO) forwarded your package to the separation authority (SA) recommending your discharge by reason of misconduct due to commission of a serious offense and alcohol rehabilitation failure, with an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation and, on 27 April 1987, you were so discharged for commission of a serious offense.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. On 12 January 1993, the NDRB denied your request after determining that 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 Kurta, Hagel, and Wilkie Memos. These included, but were not limited to your desire to upgrade your discharge and contentions that you incurred a mental health condition while on active duty and were experiencing personal stressors due to a pending divorce. You also assert that you have had post-discharge good character. For purposes of clemency consideration, the Board noted you provided advocacy letters and 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 15 August 2022. The mental health professional stated in pertinent part:

During military service, Petitioner was diagnosed with an alcohol use disorder and there is no evidence of another mental health condition. 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. While it is possible that his misconduct could be attributed to effects of excessive alcohol consumption, when evaluated during military service, he demonstrated an awareness of the potential for misconduct when he began to drink and was deemed responsible for his behavior. Unfortunately, his personal statement is not sufficiently detailed to establish clinical symptoms of another mental health condition or provide a nexus with his misconduct. Additional records (e.g., 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, "it is my considered clinical opinion there is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence his misconduct could be attributed to a mental health condition other than his diagnosed alcohol use disorder."

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced

by your NJP and civil conviction, outweighed the potential mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative effect it had on the good order and discipline of the command. Further, the Board concurred with AO that there is insufficient evidence of a mental health condition that may be attributed to your military service or misconduct. Additionally, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions. Finally, while the Board considered the documentation you provided, they concluded it was insufficient to mitigate the seriousness of your misconduct. 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. While the Board commends your post-discharge good character and accomplishments, 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 that 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,

10/25/2022

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