



processing for administrative separation. On 20 July 1990, you were convicted by a summary court-martial (SCM) of two specifications of UA totaling nine days. On 22 August 1990, you self-referred to the Counseling and Assistance Center (CAAC) due to alcohol abuse. On 11 October 1990, you received your third NJP for five specifications of UA totaling 16 days. As a result, on 24 October 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 and misconduct due to pattern of misconduct. You waived your procedural rights to consult with military counsel and present your case to an administrative discharge board (ADB). Your commanding officer (CO) then 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. On 14 November 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 change your discharge character of service and separation code. You contend that you suffered from PTSD in service, which was diagnosed post-service, that caused your misconduct. You further contend that you had mental health issues, which went unidentified and untreated after witnessing your friend commit suicide, and led to alcohol abuse and contributed to your misconduct. For purposes of clemency and equity consideration, the Board noted you provide an advocacy letter but no 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 6 October 2022. The AO noted in pertinent part:

There is no evidence that the Petitioner was diagnosed with PTSD in service. Throughout all of his medical and psychiatric records there is no evidence of his friend committing suicide, which seemingly would have been a significant stressor to mention. There is reference to a pending divorce and evidence of pervasive alcohol abuse dating back to pre-service. His misconduct with substantial periods of UA are consistent with an Alcohol Use Disorder. Unfortunately, his personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with his misconduct.

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 insufficient evidence that his misconduct could be attributed to PTSD."

After thorough 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 and SCM conviction, 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 likely negative impact your conduct had on the good order and discipline of your command. Additionally, 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 noted in the AO, your personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with 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. While the Board commends your recent efforts to gain sobriety, 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, changing your reentry code, or granting relief as a matter of clemency or equity. 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,

12/27/2022

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Executive Director

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