



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 7976-22  
Ref: Signature Date

█  
█  
█

Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 23 February 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies.

A review of your record shows that you enlisted in the Navy and commenced active duty on 24 August 1987. On 27 March 1990, you accepted non-judicial punishment (NJP) imposed by your Commanding Officer (CO) for violating Article 86 (Unauthorized Absence (UA)) due to unauthorized absence from 10 February to 12 February 1990 and Article 134 of the Uniform Code of Military Justice (UCMJ) for public intoxication. On 17 January 1991, you underwent a summary court-martial for violating Article 86, being UA from 24 September 1990 to 1 October 1990 and 22 October 1990 to 24 December 1990, and violating Article 87, missing movement of the █ on 24 September 1990. Shortly thereafter, you were reported UA on 22 March 1991, and you were not apprehended by civilian authorities until 25 March 1997. Subsequently, you were processed for administrative separation for misconduct due to commission of a serious offense and, ultimately, discharged with a characterization of service of Other Than Honorable (OTH) on 22 April 1997.

The Board carefully considered your request to upgrade your discharge from OTH to medical or administrative discharge. You argue you warrant a medical discharge because you were

hospitalized in-service for psychiatric conditions and that you were diagnosed with bipolar and Post-Traumatic Stress Disorder.

On 27 October 2022, the Board sent you notice that your application for correction did not include adequate documentation to support your claim of PTSD or mental health diagnosis or treatment. Further, the Board notified you that your case was placed on administrative hold for forty-five days in order to provide you an opportunity to submit any additional evidence or documentation. Finally, the Board informed you that after forty-five days your case would be processed, even without additional evidence. The Board did not receive any additional information from you.

The Board carefully reviewed your petition and it disagreed with your rationale for relief. The Board noted that there is no evidence of a mental health diagnosis in-service, only a note from a senior medical officer documenting that you showed “signs of dependence on alcohol as per medical screen of February 1990.” Consequently, the Board determined that the evidence provided does not support your contention that your misconduct could be attributed to a mental health condition. Additionally, the Board noted that you were processed for misconduct that resulted in an OTH characterization of service. As a result, even if there was evidence of a disability condition in your record, the Board found that you were ineligible for disability processing or benefits based on service regulations that direct misconduct based processing to supersede disability processing. The Board thus concluded that your discharge is proper as issued. 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,

3/11/2023



Executive Director

