



On 11 January 1971, an Aptitude Board (AB) determined you did not warrant retention and recommended you be discharged with a General (Under Honorable Conditions) (GEN) characterization of service. As a result, you were counseled and acknowledged not being eligible for reenlistment due to unsuitability and the assignment of a RE-4 reenlistment code. The Separation Authority (SA) approved the AB's recommendation and, on 15 January 1971, you were discharged with GEN characterization of service due to unsuitability.

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 mental health (PTSD) concerns while on active duty due to being mistreated, suffering from unrecognized Asperger's Syndrome, and being injured while in confinement. For purposes of clemency and equity consideration, the Board noted you provided a personal statement, but failed to 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 23 February 2023. The mental health professional stated in pertinent part:

During military service, Petitioner was evaluated and received no formal mental health diagnosis, although problematic characterological traits were identified. This absence of diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. He has provided no post-service medical evidence in support of his claims of PTSD. He has provided post-service evidence of Autism Spectrum Disorder (ASD) and other mental health conditions that is temporally remote to his military service. While it is possible that unrecognized symptoms of ASD may have contributed to his failure to adapt in service, the in-service conclusion that his condition existed prior to service remains unchanged even with additional knowledge regarding ASD over time. There is insufficient information regarding his other post-service diagnosed mental health conditions to attribute his misconduct to those conditions. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, history, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion there is insufficient evidence of a diagnosis of PTSD or another mental health concern that may be attributed to military service. There is insufficient evidence to attribute his misconduct to PTSD or another mental health condition."

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. Additionally, 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. Finally, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions. As a result, the Board concluded significant negative aspects of your service outweigh the positive aspects and continues to warrant a GEN characterization. While the Board carefully considered the evidence you provided in mitigation, 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 granting you the relief you requested or granting relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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,

4/17/2023

