



Subsequently, he was notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. He elected to consult with legal counsel and requested an administrative discharge board (ADB). In November 1994, the ADB found that he committed misconduct due to pattern of misconduct and recommended he be separated with an Other Than Honorable (OTH) characterization of service. The separation authority (SA) concurred with the ADB recommendation and directed an OTH discharge by reason of pattern of misconduct. On 27 January 1995, he was so discharged.

Your spouse previously applied to this Board for a discharge upgrade but was denied on 20 June 2012. The Board determined the mitigation evidence he submitted in support of his request was insufficient to offset the seriousness of his 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 upgrade your spouse's discharge and contentions that he incurred Post Traumatic Stress Disorder (PTSD) and other mental health conditions during military service, which might have mitigated the circumstances of his misconduct and discharge, and that he was a good Marine who loved his job. For purposes of clemency and equity consideration, the Board noted you provided a personal statement and supporting documentation describing his post-service accomplishments, but no 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 24 February 2023. The mental health professional stated in pertinent part:

There is no evidence the Petitioner spouse was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Petitioner has provided post-service evidence of diagnoses of PTSD and another mental health condition that are temporally remote to military service and appear unrelated, with no information regarding symptoms or onset. Unfortunately, available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with his misconduct, particularly given pre-service behavior that appears to have continued in service. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, 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 condition 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 spouse's misconduct, as evidenced by his three NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his misconduct and the likely negative impact his conduct had on the good order and discipline of his command. Further, the Board concurred with AO

