



of a drug reported incident and, on 11 March 1981, you presented yourself to the CAAC. The CAAC determined your involvement with marijuana was that of an occasional abuser. Additionally, CAAC screened you for alcohol abuse, you admitted to CAAC that you “had a problem with alcohol” and did not want anything to do with CAAC or any rehabilitation. On 12 November 1981, you received a third NJP for disrespect to a superior commissioned officer, disrespect in language toward a superior noncommissioned officer, destruction of government property, drunk and disorderly conduct by communicating a threat. On 8 January 1982, you received a fourth NJP for disrespect to a commission officer, assault on a superior Chief Petty Officer, and drunk and disorderly in quarters.

On 11 January 1982, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. You were advised that you were subject to and may be separated with a discharge Under Other Than Honorable (OTH) Conditions. You were further advised of your procedural rights and waived them. However, you elected to submit a statement on your own behalf to the separation authority (SA). Your commanding officer (CO) recommended to the SA your administrative discharge from the Navy with an Other Than Honorable (OTH) characterization of service. The record shows, on 2 March 1982, you presented yourself to sick call, you received treatment and refused to take a prescription for Antabuse as recommended. Additionally, it was noted you refuse to attend any alcohol rehabilitation program, and if sent, you would not cooperate. On 5 March 1982, you were issued an administrative remarks (Page 13) counseling; within the Page 13 you acknowledged that you had been identified by CAAC and medical authorities as psychologically dependent on alcohol, that you were counseled extensively on this problem, recommended for alcohol rehabilitation, and that you emphatically rejected all efforts to treat your alcohol dependence. Ultimately, the SA approved the recommendation for administrative discharge and directed your OTH discharge from the Navy. On 30 March 1982, you were discharged from the Navy with an OTH characterization of service by reason of misconduct due to frequent involvement of a discreditable nature with military authorities.

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 contentions that you incurred mental depression and alcoholism when deployed to Iceland, you never received treatment for your illness, and it was an illness, not a crime. Additionally, you assert that you requested for a transfer, and when it was denied, you requested a discharge. You further contend that “Legal” told you that you could be discharged for not being able to cope with military life in █ your discharge character of service would be “General,” and you later you found out it was never upgraded to “Honorable.” For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO dated 28 March 2023. The AO noted in pertinent part:

During military service, the Petitioner was evaluated and diagnosed with an alcohol use disorder. Problematic alcohol use is incompatible with military readiness and discipline and does not remove responsibility for behavior. There is no evidence that he was diagnosed with another mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. He has provided no medical evidence in support of his claims. Unfortunately, available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with 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."

In response to the AO, you provided a personal statement that supplied additional clarification of the circumstances of your case.

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 four NJPs, 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 and determined that there is insufficient evidence of a diagnosis of PTSD or another mental health condition that may be attributed to military service, and there is insufficient evidence to attribute your misconduct to PTSD or another mental health condition. As the AO noted, there is no evidence that you exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. The Board agreed that the available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with your misconduct. Further, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should otherwise not be held accountable for your actions. Finally, the Board noted you provided no evidence to substantiate your contentions. As a result, the Board determined your conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. 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. 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,

5/8/2023

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Executive Director

Signed by: █