



On 6 May 1992, you received non-judicial punishment (NJP) for UA, a period totaling 12 days and two specifications of disrespect toward a commissioned officer. During the period from 4 May 1992 to 13 May 1992, you were assessed at ■■■■■■■■■■, where you were diagnosed and admitted for Level III treatment with Alcohol Dependence and Narcissistic and Antisocial traits.

On 20 May 1992, you received a second NJP for failure to go at the time prescribed to your appointed place of duty. Additionally, you were issued a Page 11 counseling concerning your frequent involvement with military authorities. On 23 June 1992, you were offered Antabuse as an adjunct to your treatment, but exercised your option to decline the medication. On 3 August 1992, you were issued a Page 11 counseling concerning your failure to successfully complete Level III alcohol rehabilitation treatment, and advised that you were being recommended for administrative separation. On 21 September 1992, you received a third NJP for UA.

On 1 December 1992, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of alcohol rehabilitation failure and misconduct due to pattern of misconduct. You waived your procedural right to consult with military counsel, and to present your case to an administrative discharge board (ADB). Your commanding officer (CO) forwarded your administrative separation package to the separation authority (SA) recommending your administrative discharge from the Marine Corps with an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation for administrative discharge and directed your OTH discharge from the Marine Corps. On 23 December 1992, you were discharged from the Marine Corps with an OTH characterization of service by reason of misconduct due to pattern of misconduct.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 2 December 1996, based on their determination that your discharge was proper as issued.

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: (1) your ability to cope with the impending health challenges and ultimate death of your father was difficult, you suffered for a significant time dealing with complex grief disorder, and your ADHD became worse, which only added to the intensity of emotions you were coping with, and (2) as a young man you suffered from complex grief disorder, coupled with ADHD, and believed that you were not given the guidance to navigate your situation, nor do you feel that your permanent record is a reflection of your service to your country, and who you are as a person. You assert that you ultimately recovered and have lived a life representing your service and country in a positive light, raised a daughter, put her through college, you are beyond the disappointment of receiving an OTH discharge, and that your ADHD and inability to handle grief was not properly handled. 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, a qualified mental health professional reviewed your request and provided the Board with an AO on 26 July 2023. The AO noted in pertinent part:

There is evidence that the Petitioner was diagnosed with Alcohol Dependence and Cyclothymia both of which existed pre-service. It appears as though the vast majority of his misconduct was due to pervasive, long-standing alcohol dependence. He was properly evaluated and referred for treatment, however the Petitioner failed treatment and declined referral to VA treatment.

The AO concluded, "it is my considered clinical opinion there is insufficient evidence of a mental health condition that may be attributed to military service. There is sufficient evidence that his misconduct could be attributed to a mental health condition (Alcohol Dependence). There is insufficient evidence that his alcohol dependence was caused by military service."

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 multiple administrative counseling's and 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 unit. Further, the Board concurred with the AO that while there is sufficient evidence that your misconduct could be attributed to a mental health condition, there is insufficient evidence of a mental health condition that may be attributed to military service, and there is insufficient evidence that your alcohol dependence was caused by military service. As the AO noted, there is evidence that you were diagnosed with Alcohol Dependence and Cyclothymia, both of which existed pre-service, and it appears as though the vast majority of your misconduct was due to pervasive, long-standing alcohol dependence, for you were properly evaluated and referred for treatment. However, you failed treatment and declined a referral to VA treatment. Furthermore, 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 that you did not provide any evidence, other than your statement, to substantiate your contentions. As a result, the Board concluded 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 liberally and 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 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,

9/28/2023

