



you elected to waive your right to consult with counsel and your right to have your case heard before an administrative discharge board. On 3 July 1986, a medical evaluation determined there was no evidence of you having neurotic or psychotic mental health disorders, and that you were able to determine right from wrong. However, there was evidence of psychological or physiological addiction to drugs or alcohol. Your case was subsequently forwarded to the separation authority with a recommendation that you receive an other than honorable (OTH) discharge. On 11 July 1986, the separation authority directed your discharge with and an OTH characterization of service due to your pattern of misconduct. On 24 July 1986, you were discharged from the Navy.

Your request was fully and carefully considered by the Board in light of the Secretary of Defense's Memorandum, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requested by Veterans Claiming Post Traumatic Stress Disorder" of 3 September 2014 and the "Clarifying Guidance to Military Discharge Review Board and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment" memorandum of 25 August 2017.

A qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO regarding your assertion that you were suffering from a mental health condition during your service. The AO noted your in-service records did not contain any evidence of psychological symptoms or behaviors indicating a mental health condition. You submitted clinical records of a post-discharge diagnosis of unspecified Mood Disorder based on mental health evaluations approximately twenty-four years after your military service. Your post-discharge clinical records did not attribute your mood disorder to military service, nor did it establish any link to your in-service military misconduct. Therefore, based on the available evidence, it was opined that there is insufficient evidence of a mental health condition attributable to your military service that may have mitigated your misconduct.

The Board carefully weighed all potentially mitigating factors, such as your record of service, and desire to upgrade your discharge. The Board also considered your assertions that you have been severely depressed your whole life, that when you were in the Navy, you were an alcoholic and depressed and did things that you would have never done. You are on a lot of medication for depression, something you were never able to get when you were on active duty, and that you believe it is not right to court-martial someone who has never been in their right mind, and there was no help for your depression or drinking. The Board concluded these factors and assertions were not sufficient to warrant changing your characterization of service given your misconduct, which resulted in two NJPs, SCM convictions, and the fact that you were warned of the consequences of further misconduct before your first NJP. Further, the Board concurred with the AO in that there is insufficient evidence of a mental health condition attributable to your military service that may have mitigated your misconduct.

The Board also reviewed your application under the recent guidance provided in the Under Secretary of Defense's memorandum dated 25 July 2018 entitled, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations" (USD Memo). The purpose of the USD Memo is to ease the process for veterans seeking redress and assist Boards for Correction of Military/Naval Records (BCM/NRs) "in determining whether relief is warranted on the basis of

equity, injustice, or clemency.” The USD Memo sets clear standards and principles to guide BCM/NRs in application of their equitable relief authority, and further explains that boards shall consider a number of factors to determine whether to grant relief. However, even in light of the USD Memo, the Board still concluded given the totality of the circumstances, your request does not merit relief.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

12/19/2020

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Executive Director

Signed by: █