



Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file. Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated from the Navy, on 9 December 2005, with a “General (Under Honorable Conditions) (GEN)” characterization of service, your narrative reason for separation is “Misconduct - Minor Infractions,” your reenlistment code is “RE-4,” and your separation code is “HKN,” which corresponds to misconduct due to minor infractions.

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 character of service to be eligible for veteran benefits. You contend that at the time of separation, you were suffering from undiagnosed PTSD and alcohol abuse related to a natural disaster that you experienced while in service. For purposes of clemency and equity consideration, the Board considered the supporting documentation you provided in support of your application.

As part of the Board’s review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 15 April 2024. The AO stated in pertinent part:

There is no evidence that the Petitioner was diagnosed with a mental health condition while in military service, or that she exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. She submitted evidence of post-service diagnoses of Bipolar Disorder, Generalized Anxiety Disorder, ADHD, Alcohol Use Disorder and PTSD; however, the etiology or rationale for diagnoses is not explained within the evidence submitted. Her personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with her misconduct. It is possible that she was experiencing premorbid symptoms of Bipolar Disorder or ADHD that may have contributed to her unauthorized absence (UA); however, there are no in-service mental health records available for review.

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 she has been diagnosed with post-service PTSD, ADHD, Bipolar Disorder, OCD and Alcohol Use Disorder. It is possible that her UA may have been mitigated by premorbid symptoms of either ADHD or Bipolar Disorder.”

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 NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the negative impact your conduct likely had on the good order and discipline of your command. Further, the Board concurred with the AO that while there is sufficient evidence that you have been diagnosed with post-service PTSD, ADHD,

Bipolar Disorder, OCD and Alcohol Use Disorder, there is insufficient evidence of a mental health condition that may be attributed to military service. As the AO explained, your personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with your misconduct and, despite your post-discharge diagnoses, there is no evidence that you exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition while on active duty. Therefore, 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, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities.

As a result, the Board determined significant negative aspects of your active duty service outweighed the positive and continues to warrant a GEN characterization. While the Board carefully considered the evidence you submitted in mitigation, even in light of the Kurta, Hagel, and Wilkie Memos 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. 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 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,

5/8/2024

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Executive Director

Signed by: ■