



Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to pattern of misconduct. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board. The Separation Authority subsequently directed your discharge with a General (Under Honorable Conditions) (GEN) characterization of service, and you were so discharged on 9 October 2001.

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 characterization of service and your contention that you have a service-connected disability of PTSD from military sexual trauma that is related to your misconduct. For purposes of clemency and equity consideration, the Board noted you did not provide 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 2 July 2024. The AO stated in pertinent part:

Petitioner contends she incurred mental health concerns during military service, which might have mitigated her discharge characterization of service.

Her record is sparse and does not contain any mental health records, however her separation physical noted, "MDD [Major Depressive Disorder], currently seeing MH."

The Petitioner submitted VA compensation and pension rating noting 70% service connection for PTSD. The etiology of, or rationale for the diagnosis was not contained within the VA records submitted. There is evidence that she was diagnosed with Depressive Disorder while in service as per her separation physical. Unfortunately, her personal statement is not sufficiently detailed to provide a nexus with her misconduct.

The AO concluded, "it is my considered clinical opinion there is sufficient evidence of an in-service diagnosis of Depression and a post-service diagnosis of PTSD. There is insufficient evidence that her misconduct could be attributed to a mental health condition."

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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact your repeated misconduct had on the good order and discipline of your command. Further, the Board concurred with the AO and determined that while there is sufficient evidence of an in-service diagnosis of Depression and a post-service diagnosis of PTSD, there is insufficient evidence to attribute your misconduct to a mental health condition. As explained in the AO, your statement is not sufficiently detailed to

provide a nexus with your misconduct and additional records would aid in rendering an alternate opinion.

As a result, the Board concluded that significant negative aspects of your service outweighed the positive aspects 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,

9/11/2024

