



not aggravated in-service. Consequently, you were discharged on 3 April 1986 for disability without severance pay and assigned a General (Under Honorable Conditions) based on the type warranted by your service record. Post-discharge, a letter from you in your record indicates you were incarcerated by the State of █.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change your discharge characterization of service and your contentions that you were released because of injuries to your ankles and any disciplinary issues could later be related to your Post-Traumatic Stress Disorder (PTSD) diagnosis. The Board noted you checked the "PTSD" box on your application but chose not to respond to the 13 March 2024 letter from the Board requesting additional evidence in support of your claim. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

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 and Page 11 counselings, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact your conduct had on the good order and discipline of your command. In addition, the Board noted you were assigned a GEN characterization of service based on your performance and conduct traits. Absent substantial evidence to the contrary, the Board relied on the presumption of regularity to conclude the GEN characterization was appropriately assigned. Additionally, the Board considered the letter you provided from the Department of Veterans Affairs documenting your PTSD rating but determined this was insufficient evidence to determine whether any nexus exists between your misconduct and your claimed mental health condition. 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 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 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. 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,

5/20/2024

