



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

██████████  
Docket No. 7267-24  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 21 January 2025. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, applicable statutes, regulations, and policies, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)/mental health condition (MHC) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an Advisory Opinion (AO). Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

You were granted enlistment waivers for writing bad checks and marijuana use. You enlisted in the U.S. Navy and began a period of active duty on 21 June 1999. During your service, you were diagnosed with Bereavement, Adjustment Disorder, Alcohol Dependence, Cannabis Use, and Personality Disorder NOS [Not Otherwise Specified] with Historic Borderline Historic Traits. You also participated outpatient therapy, to help cope with the loss of your mother, as well as a stress management program. On 12 October 2001, you were convicted by a Summary Court-Martial (SCM) of a 33-day period of unauthorized absence (UA) and wrongfully using marijuana. You were sentenced to be reduced in rank to E-1 and to be confined for 30 days. Consequently, you were notified of your pending administrative processing by reason of

commission of a serious offense and drug abuse. The commanding officer forwarded your administrative discharge from the Navy with an Other Than Honorable (OTH) characterization of service adding, “[Petitioner’s] conduct is incompatible with the Naval Service. She pled guilty to unauthorized absence for a period of 33 days and wrongful use of marijuana at a Summary Court-Martial held on 12 October 2001. Her actions demonstrate her total disregard her total for Naval policies. [Petitioner] is currently pending a DAPA screening, the results of which will be forwarded. I have determined that [Petitioner] has no potential for future Naval service...” Ultimately, the separation authority directed you be discharged with an OTH characterization of service and you were so discharged on 7 December 2001.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 and contentions that: (1) you experienced significant mental health challenges during your military service, (2) these challenges stem from traumatic life events beginning in your youth, (3) just before your freshman year of high school, your father was tragically murdered and left your mother struggling with depression, (4) you took on the responsibility of caring for your younger brother and supporting your mother, (5) while on active duty, your mother passed away, (6) you attributes these life events, your young age, your impressionable nature, and the demanding environment of Navy service as contributing factors to your mental health struggles, (7) lacking knowledge of mental health resources and without receiving assistance or guidance, you began self-medicating to cope, (8) this led to your discharge, and (9) you sincerely apologize for your actions and the delay in submitting this request; which was caused by your deep sense of and regret. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

Based on your assertions that you incurred PTSD and other mental health concerns during military service, which may have contributed to the circumstances of your discharge, a qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO on 20 November 2024. The AO stated in pertinent part:

There is evidence that the Petitioner was diagnosed with varying mental health condition during his military service: Major Depression, Adjustment Disorder, Personality Disorder, Alcohol Dependence and Cannabis Abuse. Throughout all of her psychiatric evaluations, she was consistently diagnosed with Personality Disorder. Petitioner was appropriately referred for psychological evaluation during her enlistment and properly evaluated during an inpatient hospitalization. Her personality disorder diagnosis was based on observed behaviors and performance during her period of service, the information she chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service.

The AO concluded, “it is my clinical opinion that there is sufficient evidence of a personality disorder that was likely exacerbated by military service. There is insufficient evidence to attribute her misconduct to a mental health condition.”

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that it included a drug offense. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. Additionally, the Board concurred with the AO that there is insufficient evidence to attribute your misconduct to a mental health condition. As the AO explained, your misconduct was likely related to your diagnosed personality disorder. Therefore, the Board concluded that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service.

While the Board carefully considered the evidence you submitted in mitigation and commends you for your post-discharge accomplishments, 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 the 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 is attached 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,

the 1990s, the number of people in the United States who are 65 years of age or older has increased by 50 percent. The number of people 75 years of age or older has increased by 100 percent. The number of people 85 years of age or older has increased by 200 percent. The number of people 95 years of age or older has increased by 400 percent. The number of people 100 years of age or older has increased by 1,000 percent.