



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

██████████  
Docket No. 7641-24  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,  
USN, ██████████

Ref: (a) 10 U.S.C. §1552  
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)  
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)  
(b) USD Memo of 25 Aug 17 (Kurta Memo)  
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Advisory Opinion of 15 December 2024

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his discharge characterization be upgraded.

2. The Board consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 3 February 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies including references (b) through (e). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional. Although Petitioner was provided an opportunity to respond to the AO, he chose not to do so.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, the statute of limitations was waived in accordance with the Kurta Memo.

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c. Petitioner enlisted in the Navy and began a period of active duty on 18 July 1988. After a period of continuous Honorable service, Petitioner immediately reenlisted and commenced a second period of active duty on 2 October 1990.

d. On 3 April 1990, Petitioner received administrative remarks documenting his failure to obey a lawful order or regulation regarding alcohol use. These remarks acknowledged his retention in the Naval service but also advised him that any subsequent violations of the Uniform Code of Military Justice (UCMJ) or conduct leading to a civilian conviction could result in administrative separation under Other Than Honorable (OTH) conditions.

e. On 20 April 1994, Petitioner commenced a period of unauthorized absence (UA) which lasted 20 days. Subsequently, on 16 May 1994, he commenced a second period of UA which lasted 366 days.

f. On 1 June 1995, Petitioner received a medical examination which found there was no evidence of psychosis, neurosis or organic brain syndrome and found a psychiatric examination was not needed. That same day, Petitioner requested an administrative discharge under Other Than Honorable (OTH) conditions in lieu of trial by court-martial for the periods of UA. Ultimately, his request approved and he was so discharged on 23 June 1995. Upon his discharge, he was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate his period of continuous Honorable service from 18 July 1988 to 1 October 1990.

g. Petitioner contends that: (1) during his tenure, he developed PTSD, depression and anxiety, (2) the distress began when his wife went missing, leading to significant emotional turmoil, (3) he was sent to counseling and medical where he was received a psychological evaluation, (4) he was reassigned to a different command in order to complete his sea duty (submarine tender vice submarine), (5) upon arrival at his new command, he was unexpectedly presented with legal documents revealing that his marriage had been annulled ten months prior and that his ex-wife was seeking alimony and child support—despite having no children and being unaware of the annulment, (6) seeking assistance, he eventually submitted a request through his congressional representative, (7) the Navy offered him two options – court-martial or an OTH discharge and, due to his youth and still coming to terms with the situation with his ex-wife, he chose the latter, (8) the shock of his marital status, combined with limited support, exacerbated his mental health struggles, leading him to alcohol abuse and reckless behavior, bordering on suicide, and (9) he recently received an extended period of rehabilitation care from the VA and if his request is approved, he will be able to apply for multiple jobs.

j. For purposes of clemency and equity consideration, Petitioner provided a personal statement and character letter.

k. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and provided the Board with enclosure (3). The AO stated in pertinent part:

There is no evidence that the Petitioner was diagnosed with a mental health condition during his military service, or that he exhibited any psychological

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symptoms or behavioral changes indicative of a mental health condition. Although he noted that he was diagnosed with PTSD by the VA, he has provided no medical evidence in support of his claims. Furthermore, the letter of reference notes a General characterization of discharge; however, his DD214 indicates an Other than Honorable characterization. It is possible that the Petitioner lacked candor with the individual who wrote a letter of reference on his behalf. Unfortunately, his personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with his requested change for narrative reason for separation. Additional records (e.g., active duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to her separation) would aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence to attribute his misconduct to a mental health condition."

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, as discussed above, the Board noted Petitioner's DD Form 214 did not annotate his period of continuous Honorable service and requires correction.

Regarding Petitioner's request that his characterization of service be upgraded, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with references (b) through (e). These included, but were not limited to, Petitioner's desire for a discharge upgrade and the previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that his misconduct, as evidenced by his SILT request, outweighed any mitigating factors presented. In making this finding, the Board considered the seriousness of his misconduct and found that his conduct showed a complete disregard for military authority and regulations. Additionally, the Board concurred with the AO that there is insufficient evidence of a mental health condition that may be attributed to military service or the Petitioner's misconduct. As explained in the AO, Petitioner provided no medical evidence in support of his claim. Further, the Board determined that the Petitioner already received a large measure of clemency when the convening authority agreed to administratively separate him in lieu of a trial by court-martial, thereby sparing him the stigma of a court-martial conviction and possible punitive discharge. 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 that there was no impropriety or inequity in Petitioner's discharge and concluded that his misconduct and disregard for good order and discipline clearly merited his discharge. Even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the

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record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief requested or granting the requested relief as a matter of clemency or equity.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a new Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 23 June 1995, indicating his continuous Honorable service for the period of 18 July 1988 through 1 October 1990.

No further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/3/2025

