



You previously applied to this Board for an upgrade to your characterization of service and were denied relief on 21 May 2014 and 7 February 2018. Before this Board's denial, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your

request for an upgrade, on 11 August 1986, based on their determination that your discharge was proper as issued. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

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 and contentions that: (1) your conduct was a result of undiagnosed mental health conditions of manic depression and depressive disorder that were untreated and escalated, (2) prior to your entry into the Marine Corps you had "ADHD," (3) you requested medical treatment and medication, (4) your untreated condition resulted in your inability to control your conduct, and (5) your discharge could have been prevented if you were allowed to receive the proper medical [attention] and treated with medication. For purposes of clemency and equity consideration, the Board considered the 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 7 February 2025. The AO stated in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Throughout his disciplinary processing, there were no concerns raised of a mental health condition that would have warranted a referral for evaluation. Temporally remote to his military service, the Department of Veterans Affairs (VA) granted service connection for mental health concerns. Unfortunately, available records are not sufficiently detailed to establish a nexus with his misconduct, given pre-service behavior that appears to have continued in service and the significant lapse in time from his military service to his experience of mental health symptoms sufficiently interfering as to require treatment. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is post-service evidence the VA of mental health concerns that may be attributed to military service. There is insufficient evidence to attribute his misconduct solely to mental health concerns."

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evident by your multiple counselings, three non-judicial punishments, and summary court-martial, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct showed a complete disregard for military authority and regulations. The Board noted that you were provided multiple opportunities to correct your conduct deficiencies during your service, but you continued to commit additional misconduct, which led to your Other Than Honorable discharge. Your conduct not only showed a pattern of

misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your unit.

Further, the Board concurred with the AO that, while there is post-service evidence the VA of mental health concerns that may be attributed to military service, there is insufficient evidence to attribute your misconduct solely to mental health concerns. As the AO explained, the available records are not sufficiently detailed to establish a nexus with your misconduct, given your pre-service behavior that appears to have continued in service and the significant lapse in time from your military service to your experience of mental health symptoms that required treatment. The Board agreed there is no evidence that you were diagnosed with a mental health condition in military service or that you exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Additionally, the Board determined your diagnosis from the VA is too temporally remote from your military service. 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 not be held accountable for your actions.

Finally, the Board observed that the character of military service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your overall active-duty trait average calculated from your available performance evaluations during your enlistment was approximately 3.8 in conduct. Marine Corps regulations in place at the time of your discharge recommended a minimum trait average of 4.0 in conduct (proper military behavior) for a fully Honorable characterization of service. The Board concluded that your misconduct was not minor in nature and that your conduct marks during your active-duty career were a direct result of your serious misconduct and further justified your OTH characterization.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. 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,

4/17/2025

