



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 11148-24
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 was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 24 September 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 this 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, and applicable statutes, regulations, and policies, to include the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness relating to the consideration of requests for modification of discharge due to mental health conditions, sexual assault, or sexual harassment (Kurta Memo) as well as the 4 April 2024 guidance from the Under Secretary of Defense for Personnel and Readiness relating to the consideration of cases involving both liberal consideration discharge relief and fitness determinations (Vazirani Memo) (collectively the "Clarifying Guidance"). The Board also considered the 12 August 2025 advisory opinion (AO) by a board-certified psychiatrist and your response to the AO.

A review of your naval record reveals that your military service began when, in 1999, you commenced active duty in the Air Force. Thereafter, you served in the Air Force Reserve and the National Guard until you were commissioned in the Navy's Chaplain Corps and commenced active duty on 14 September 2019. In November 2021, an investigation began as a result of reports that you were in an inappropriate relationship with a female Hospitalman (HN), which is paygrade E-3. Your fitness report for the period of 15 May 2021 through 31 January 2022 marked you as having significant problems and contained a comment that, "██████████ did not maintain appropriate boundaries with enlisted personnel. He failed to live up to the Navy's Core Values and was unable to perform his duties as a staff chaplain."

In the meantime, you had been referred into the Integrated Disability Evaluation System for evaluation of your fitness. On 4 March 2023, an Informal Physical Evaluation Board (IPEB) found you to be unfit due to post traumatic stress disorder (PTSD) at 70% and Diabetes Mellitus Type II at 20%, for a combined total of 80%. The IPEB also found that you had Bipolar Disorder as a Category IV condition, which meant that it did not constitute a disability. The IPEB recommended that you should be placed on the temporary disability retired list (TDRL).

On 27 June 2023, your commanding officer transmitted a report of your misconduct to Commander, Navy Personnel Command, describing your violations of Article 133 (conduct unbecoming an officer and gentleman) and Article 134 (fraternization). According to your commanding officer, and based on charges that had been prepared, you were involved in an inappropriate relationship with a female HN from January 2021 to October 2021. Your commanding officer explained that these charges had been prepared for nonjudicial punishment but you exercised your right to refuse nonjudicial punishment. Your commanding officer recommended that you be detached for cause (DFC) and that you be required to show cause for retention. On 30 November 2023, you were notified of the initiation of administrative separation processing and your rights in connection therewith. On 12 December 2023, you acknowledged your rights and invoked your right to make a statement. In an undated letter, you requested to be afforded a Board of Inquiry (BOI).

In connection with your pending separation, and as described within the report of the AO, on 5 June 2024, your medical records were reviewed for PTSD and traumatic brain injury (TBI) in accordance with the 1 June 2016 Memorandum from the Secretary of the Navy, which requires such reviews. During this review, an appropriately privileged military health care provider was consulted to provide a medical opinion as to whether the medical condition that caused the referral into the IDDES contributed to a basis for which you were to be separated. This review as conducted by a Clinical Psychologist at Navy Medicine and Readiness Training Command (NMRTC), ██████████. This provider attested that you had a diagnosis of PTSD, for which you referred to the IDDES, but not a diagnosis of TBI. After reviewing the charges that had been adjudicated in your case, it was the provider's opinion that your PTSD did not contribute to the actions for which you were pending administrative action.

On 12 June 2024, the Deputy Chief of Naval Personnel (DCNP) wrote to Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN M&RA) recommending that you be separated from the naval service with a General (under Honorable conditions) characterization of service, separation code JKM (misconduct - other). In the recommendation memorandum, DCNP described your medical evaluations as follows, with edited format:

He did not serve in an imminent danger pay area as defined by reference (a) within the last 24 months. Per reference (b) [OPNAVINST 6100.3A, Deployment Health Assessment Process], pre- and post-deployment health assessments and medical screenings for post-traumatic stress disorder (PTSD) and traumatic brain injury are required and are reflected in enclosure (1).

* * *

c. [Petitioner] received an Integrated Disability Evaluation System (IDES) rating of 80% and was recommended for the Temporary Disability Retirement List (TDRL), enclosure (5).

d. Package was previously routed and signed by yourself on 1 May 2024 approving the separation of [Petitioner] from the naval service. While executing separation it was identified that member's PTSD was not specifically evaluated by a medical provider to establish whether the PTSD contributed to the misconduct. Enclosure (1) has been added to reflect the medical provider's assessment that PTSD did not contribute to the misconduct.

On 25 June 2024, ASN (M&RA) approved the recommendation of DCNP. You were thereafter discharged on 2 August 2024 due to misconduct – other and assigned a General (Under Honorable Conditions) (GEN) characterization of service.

In your application to this Board, you request to be reinstated and to have a retroactive medical retirement due to processing errors and inequity in your separation. Alternatively, you request to have your GEN characterization of service upgraded to Honorable, to have your narrative reason for separation changed from Misconduct – Other to Medical Retirement, and to have your separation program designator changed to SEK. In support of your requests, you assert that you were administratively separated for minor misconduct but, prior to your separation, were processed through a medical board in the IDES, rated at 80%, and later rate by the Department of Veterans Affairs (VA) at 100% disability rating for PTSD and bipolar disorder among other ailments. You further argued that, despite your mental health conditions, which were diagnosed in-service as contributing to the behavior cited in your separation, the required dual-processing procedures were not applied to evaluate or consider his medical conditions fully before administrative actions were taken.

In order to assist it in reviewing your petition, the Board obtained the 12 August 2025 AO, which was considered unfavorable to your request. According to the AO, with edited formatting:

5. After review of all available objective clinical and non-clinical evidence, in my medical opinion, Petitioner did have a diagnosed mental health condition of Bipolar II Disorder but Petitioner's Bipolar II Disorder did not contribute to the actions for which he underwent administrative action and separation. During the period of his charged misconduct, Petitioner performed his duties in a manner that did not raise suspicions amongst his peers and superiors. The effects of his psychological symptoms did not lead him to seek mental health evaluation or treatment, nor did peers or superiors suspect he may be experiencing mental health symptoms that concerned them enough to refer Petitioner to mental health services for evaluation.

The length of Petitioner's misconduct involving an intimate relationship with a female junior enlisted Sailor was neither impulsive nor driven strictly by a period of "hyper sexuality" described as "an itch I can't scratch" as it lasted for a period of approximately 9-10 months, well beyond his history of hypomanic episodes lasting 2-4 weeks before the onset of a depressive phase and cessation of hyper-

sexuality. That Petitioner attempted to maintain the relationship through coercion and threats over a period of months independent of any hypomanic episodes, even instructing his partner in the type and manner of testimony to be provided to mitigate his role in the relationship supported the non-impulsive and sustained nature of his inappropriate intimate relationship that led to the charges of fraternization and conduct unbecoming, further illustrated that his misconduct behavior existed separate of the influence of his mental health condition.

Throughout the period of his mental health evaluations and treatment, Petitioner was always considered responsible for his actions and subject to the normal channels of counseling and discipline. Petitioner was evaluated during identified hypomanic periods in the course of his mental health treatment, and during these periods was still noted to be able to “stay focused on conversation and was not tangential.” Even during his “hyped mood” his mental status examinations evidenced “...thinking was linear, coherent, and goal oriented without evidence of psychosis or thought disorder or delusions. He demonstrated good judgment, good insight with intact impulse control.”

The AO concluded, “after review of all available clinical and non-clinical records, in my medical opinion, the preponderance of objective clinical evidence indicated Petitioner’s Bipolar II Disorder did not contribute to, or mitigate, the actions for which he underwent administrative action and separation.”

You provided an undated response in rebuttal to the AO, which was received by the Board on 11 September 2025. According to your rebuttal, the Navy erred when it separated you for misconduct even though you had been processed through the IDES and you were found to be unfit. You argued that the Article 32 hearing officer in your case dismissed all charges and recommended administrative handling, which supports a finding that your conduct did not warrant punitive separation and should have defaulted to the IPEB adjudication. You also argued that the AO relied in part on hearsay and unverified allegations, including the claim that you attempted to maintain the relationship through coercion and threat, over a period of months independent of your hypomanic episodes, but ignored your side of the story. You further argued that these claims were uncorroborated and already dismissed by the Article 32 officer. In addition, you argued that liberal consideration applies to your claim for disability benefits.

The Board carefully reviewed your contentions and the material that you submitted in support of your request and it disagreed with your rationale for relief. In reaching its decision, the Board observed that it applies a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Further, the Board also fully considered the Clarifying Guidance and followed the Vazirani Memo. Thus, it first applied liberal consideration to your assertion that your mental health condition potentially contributed to the circumstances resulting in your discharge to determine whether any discharge relief is appropriate. After making that determination, the Board would need to separately assess your claim of medical unfitness for continued service due to your mental health condition as a discreet issue, without applying liberal consideration to the unfitness claim or carryover of any of the

findings made when applying liberal consideration. In your case, the second prong of the Vazirani Memo analysis was unnecessary because you were in fact found to be unfit by the IPEB while you were in service. Notwithstanding that finding, you were processed and discharged due to misconduct based on charges of conduct unbecoming an officer and gentleman and fraternization.

Thus, the Board began its analysis by examining whether your mental health condition actually excused or mitigated your discharge. On this point, the Board considered that you were found by the IPEB to have PTSD. Thus, for the purposes of application of the Clarifying Guidance, the Board considered that you had PTSD in making its decision whether discharge relief is appropriate in your case. Despite its application of special and liberal consideration to your request, the Board was unable to find an error or an injustice in your discharge and its characterization. In reviewing the facts and circumstances considering your discharge, the Board observed that the record makes clear you abused your position as a naval officer and as a chaplain. Further, in its review of the entirety of the available record, it is clear that your in-service administrative processing was conducted properly. In fact, the record demonstrates that, prior to your separation, your separation package was routed without having a review for PTSD and TBI conducted, and the package was returned and in order to be evaluated by an appropriately privileged military health care provider. The provider was consulted to provide a medical opinion as to whether the medical condition that caused your referral into the IDCS contributed to a basis for which you were to be separated. This review was conducted by a Clinical Psychologist at Navy Medicine and Readiness Training Command (NMRTC), Pensacola. This provider attested that you did have a diagnosis of PTSD, for which you referred to the IDCS, but not a diagnosis of TBI. After reviewing the charges that had been adjudicated in your case, it was the provider's opinion that your PTSD did not contribute to the actions for which you were pending administrative action. In light of this, the Board determined that there was no error in your administrative separation processing.

Further supporting its decision, the Board substantially concurred with the findings of the AO; which it found to be reasonable and based on substantial evidence. The Board carefully considered your rebuttal to the AO but determined that your arguments were unpersuasive in rebutting the AO. The Board found that there was no real dispute as to whether you engaged in an improper relationship with a junior enlisted since you admitted to the misconduct in your complaint to Navy Medicine East Inspector General. Further, your argument that the Article 32 officer dismissed your charges and recommended your case be handled administratively was unavailing, because your case was, in fact handled administratively. In its review of the entirety of the administrative handling of your case, the Board was unable to find any errors in the process. For example, you argue that your command failed to follow dual processing regulations. However, the record makes clear that, as described above, your mental health condition was appropriately evaluated and addressed in order to rule out that the condition for which you were referred into the IDCS contributed to a basis for your separation. Your case was then transmitted and evaluated through every level of the chain of command, including ASN (M&RA). Thus, the Board was unable to find any error in your naval record with respect to your discharge from service.

Finally, the Board determined that the misconduct for which you were separated represented a serious departure from the conduct expected of a naval officer and a chaplain. MILPERSMAN 1910-304, describes that a GEN characterization of service is appropriate where, “the quality of the member’s service has been honest and faithful; and the positive aspects of the member’s conduct or performance of duty outweigh the negative aspects of his or her conduct or performance of duty as documented in his or her service record.” In light of this definition, the Board observed that it appears your chain of command granted you some measure of clemency while you were in service, because in this Board’s experience, you had a substantial risk of receiving an Other Than Honorable characterization of service.

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 Clarifying Guidance 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,

11/20/2025

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