



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

██████████
Docket No. 11582-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 limitations 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 14 May 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 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). The Board also considered an advisory opinion (AO) from a qualified mental health professional; dated 18 March 2025. Although you were provided with an opportunity to comment on the AO, you chose not to do so.

You entered active duty with the Navy on 11 April 1989. On 31 January 1991, you received a mental health evaluation which diagnosed you with a personality disorder due to childhood abuse that existed prior to enlistment (EPTE). On 7 February 1991, you received non-judicial punishment (NJP) for missing ship's movement. Consequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and your personality disorder. After you elected to waive your rights, your commanding officer (CO) forwarded your package to the separation authority (SA) recommending your discharge with Type Warrant by Service Record characterization of

service. The SA approved the CO's recommendation and you were discharged with a General (Under Honorable Conditions) characterization of service on 8 April 1991. Your final performance average was 2.7.

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 and contentions you incurred PTSD or a mental health condition during military service due to childhood abuse and you have developed tools to help you cope with your PTSD. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO. The mental health professional stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, 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. Temporally remote to his military service, a civilian psychologist has diagnosed him with PTSD attributed to childhood experiences. It is possible that mental health symptoms identified as personality disorder in service may have been reconceptualized as PTSD symptoms with the passage of time and increased understanding. However, there are inconsistencies with the Petitioner's report of his family in service and post-service that raise doubt regarding the reliability of his recall. Additionally, it is difficult to attribute his misconduct to a mental health condition, given the Petitioner's in-service statements. 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 from a civilian psychologist of a diagnosis of PTSD that may have been present during military service. There is insufficient evidence that the Petitioner's misconduct may be attributed to PTSD or another mental health condition."

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your NJP, outweighed the potential mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. Further, the Board concurred with AO that there is insufficient evidence that your misconduct may be attributed to PTSD or another mental health condition. As pointed out in the AO, your PTSD diagnosis is temporally remote to your service and is attributed to your childhood experiences. Further, the Board agreed with the AO that it is

