



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

██████████  
Docket No. 60-25  
Ref: Signature Date

████████████████████  
████████████████████  
████████████████████

Dear ██████████

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 10 June 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 16 April 2025. Although you were provided an opportunity to comment on the AO, you chose not to do so.

You enlisted in the Navy and commenced a period of active duty on 14 October 1980. You were granted a waiver for pre-service drug use when you enlisted. On 3 April 1981, you received non-judicial punishment (NJP) for dereliction of duties. On 24 June 1981, you received NJP for absence from appointed place of duty. On 14 October 1982, you were formerly counseled on your professional and military bearing. On 28 October 1982, you received an evaluation from the division psychiatrist who diagnosed you with a mixed personality disorder and determined you were responsible for your behavior. On 22 March 1983, a special court-martial (SPCM) convicted you of unauthorized absence (UA) totaling 25 days, absence from appointed place of duty, disrespect to a commissioned officer, willfully disobeying a lawful order, and resisting

apprehension. As a result, you were sentenced to confinement for 36 days, forfeiture of pay, reduction in rate, and a Bad Conduct Discharge (BCD). The convening authority (CA) approved the sentence and suspended the BCD for one year. On 26 August 1983, you received a psychological evaluation that diagnosed you with a character disorder that existed prior to enlistment (EPTE) and recommended separation from the Navy. On 30 September 1983, the CA recommended that your previously suspended BCD be vacated due to your continued misconduct. After completion of all levels of review, you were so discharged on 8 December 1983.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. On 13 July 1988, the NDRB denied your request after determining that your discharge was proper as issued.

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 that you incurred mental health issues due to false accusations and the corruption you observed while serving in the Navy. You further contend that you pleaded for mental health counseling, were immature, did not understand the severity of a BCD, and were diagnosed with a personality disorder while in the Navy. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of the personal statement you included with your DD Form 149 without any other additional documentation.

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

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated on two occasions. 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. There is no evidence of another mental health condition. Unfortunately, it is difficult to attribute his misconduct to a mental health condition other than personality disorder, which was known and considered in service. 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 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, other than personality disorder."

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 NJPs and SPCM, 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. The Board observed you were given an opportunity to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your BCD. 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 command. Further, the Board concurred with the AO that there is insufficient evidence to attribute your misconduct to a mental health condition, other than a personality disorder. As explained in the AO, you were appropriately referred for psychological evaluation during your enlistment and evaluated on two occasions. Your personality disorder diagnosis is pre-existing to military service and indicates lifelong characterological traits unsuitable for 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. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions. Finally, the Board noted that you already received a large measure of clemency when your punitive discharge was initially suspended by the CA.

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. 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. 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,

6/30/2025

