



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

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Docket No. 263-25  
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 insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 11 July 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 the 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 to the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (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 the advisory opinion (AO) of a qualified mental health provider and your response to the AO.

You previously applied to the Board contending that you had been denied post-service benefits for a medical condition caused by an in-service injury which did not fully manifest until after discharge. Your request was denied on 15 February 1996. The Board found insufficient evidence that your separation in lieu of trial occurred in error or that you were unfit by reason of physical disability. The summary of your Navy service and the basis of your discharge under other than honorable conditions is substantially unchanged from that addressed in the Board's previous review of your records; however, the Board noted that your official military personnel file (OMPF) does not appear to contain a copy of your Discharge or Release from Active Duty (DD Form 214).

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie, Kurta, and Hagel Memos. These included, but were not limited to, your desire to upgrade your discharge to be eligible for veteran benefits and your contentions that your service was commendable, you had no prior disciplinary actions until after you began suffering from post-traumatic stress disorder (PTSD) and other mental health concerns, and you incurred a traumatic brain injury (TBI) when you hit your head on a busted valve while serving as a boiler technician aboard a ship. You claim that you blacked out, were taken to the hospital, began to hear voices that kept you company while watching the boilers, and you developed a fear of loud bangs, pops, and crackling noises since your service. You also state that you experienced a nine-month period of inpatient hospitalization after your discharge; which you are no longer able to obtain records for due to record retention issues. In support of your request, you submitted several personal statements and medical records. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

Because you contend that post-traumatic stress disorder PTSD, a traumatic brain injury or another mental health condition affected the circumstances of your discharge, the Board also considered the AO. The AO states in pertinent part:

During military service, the Petitioner was evaluated and diagnosed with an Alcohol Use Disorder. There is no evidence that he was diagnosed with another mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition other than an Alcohol Use Disorder. Although there is evidence of a head injury in service, there is no evidence of residual symptoms indicative of a TBI. He has provided medical evidence of diagnoses of PTSD and other mental health concerns that are temporally remote to his military service and appear unrelated. Unfortunately, available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with his misconduct. 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, "There is insufficient evidence of a diagnosis of TBI, PTSD, or another mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to TBI, PTSD, or another mental health condition."

In response to the AO, you provided additional evidence in support of your application. After reviewing your rebuttal evidence, the AO remained unchanged.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your request for discharge in lieu of trial by court-martial, outweighed these 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. Additionally, the Board concurred with the AO that there is insufficient evidence that your misconduct may be attributed to TBI, PTSD, or another mental health condition. The Board agreed with the AO

that, although you purport to have experienced a loss of consciousness, your medical records indicate that you denied any LOC at the time you received emergency care for a five centimeter laceration on your scalp which required sutures. Likewise, although you claim that you did not receive any follow up for your head injury, you were seen a week after the injury for suture removal; during which the medical note identified that you had healed well and had zero complaints. 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.

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 the 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 is attached 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,

7/31/2025

