



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

██████████
Docket No. 270-25
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 on 20 June 2025, has carefully examined your current request. 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. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

You previously applied to the Board contending that youth and immaturity were mitigating factors in your misconduct and that your overall service record warranted a higher characterization. Your request was considered on 21 May 2008 and denied. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

Previous to applying to this Board, you applied to Naval Discharge Review Board (NDRB) contending that your performance as a signalman was exemplary but adversely affected because you suffered from a streak of immaturity, your discharge characterization prevented you from obtaining other maritime employment, an officer in the legal office had informed you that your

command procedurally erred in expediting your separation, and your discharge was inequitable because it was too harsh for the offenses when weighed against your overall record of service. The NDRB considered your request on 7 May 1992 and denied relief.

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 for reconsideration of your request to upgrade your discharge and your contentions that your discharge was unjust the command made an example of you, because you had undiagnosed and untreated mental health issues, and these mental health issues would not have contributed to behavioral problems if you had received appropriate mental health referrals and treatment during your service. In addition to your personal statement, you submitted a letter from a psychiatrist addressing your mental health diagnoses, a character letter, and a letter of recommendation. Additionally, you submitted evidence of a court-ordered name change; however, the Board noted that this appears to have been for purposes of establishing your identity, as you did not request the Board to correct your name in your discharge incident to this name change. 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 one or more mental health conditions affected the circumstances of your discharge, the Board also considered the AO. The AO stated in pertinent part:

He submitted evidence of civilian mental health treatment from June 2020 to October 2024 of diagnoses of Bipolar I Disorder, PTSD, and Anxiety.

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 in service. While there is evidence of a pre-service period of mental health concerns, he received a waiver to enter service. He has provided 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, particularly given pre-service behavior that appears to have continued in service. There are also inconsistencies in his report over time that raise doubt regarding his candor or the reliability of his recall. 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 PTSD or another mental health condition that may be related to military service. There is insufficient evidence that his misconduct may be attributed to PTSD or another mental health condition."

After thorough review, the Board concluded the potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct, as evidenced by your four non-judicial punishments, outweighed these mitigating factors. In

