



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

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Docket No. 297-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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.

A three-member panel of the Board, sitting in executive session, considered your application on 25 November 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 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)/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). In addition, the Board considered an advisory opinion (AO) from a qualified mental health professional and your response to the AO.

You enlisted in the Navy and began active duty on 4 May 2020. On 21 October 2021, you received non-judicial punishment (NJP) for Insubordinate Conduct towards a Warrant Officer, NCO, or Petty Officer, two specifications of failing to obey a lawful order or regulation, and submitting a false official statement. Consequently, you were notified of pending administrative separation proceedings by reason of misconduct due to commission of a serious offense. You were informed that the least favorable characterization of service you may receive was General (Under Honorable Conditions). After you acknowledged your rights, the Commanding Officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy. As part of the CO's recommendation, he stated in pertinent part:

[Petitioner] has demonstrated a severe disregard for naval service; his actions are clearly misaligned with Navy ethos and values. His behavior is entirely inconsistent with the expectations required of him as a Sailor at S ■■■■■ or in the U.S. Navy. I do not believe that [Petitioner] has any potential for future service, and I do not think he will ever make a positive contribution... Therefore, I strongly recommend that [Petitioner] be separated with a General characterization of service based on COSO.

The separation authority approved the recommendation and you were so discharged, on 10 March 2023, with a reentry code of RE-4.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your initial request, on 6 September 2023, after determining your discharge was proper as issued. You submitted a request to the NDRB for reconsideration and, on 31 October 2024, the NDRB voted to grant relief, reasoning that:

The NDRB medical member determined that there was a mental health nexus behind the Applicant's behavior and the DRB's findings. The Board believes that the Applicant was a problem for his command, that the determination of adjustment disorder was accurate, and that the Applicant was not suited to military duty regardless of his abilities as a weather person.

The NDRB ordered your characterization of service be upgraded to Honorable and your narrative reason for separation be changed to Secretarial Authority, with a corresponding separation code of JFF. Your reentry code remained unchanged. You were issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) on 31 January 2025 reflecting these changes.

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 Memo. These included, but were not limited to, your desire to change your reentry code and your contention that the circumstances of your discharge should be mitigated by your mental health condition and TBI. For purposes of clemency and equity consideration, the Board considered the totality of your application, which consisted of your DD Form 149 and the evidence you provided in support of your application.

As part of the Board review process, a licensed clinical psychologist (Ph.D.) reviewed your contentions and the available records, and issued an AO on 16 May 2025. The Ph.D. stated in pertinent part:

There is no evidence that the Petitioner was diagnosed with a mental health condition during his military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a mental health condition. He did not submit any medical evidence in support of his claim. His personal statement lacks sufficient detail to provide a nexus between his misconduct and any mental health condition. Additional records (e.g., active duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms,

and their specific link to his separation) would aid in rendering an alternate opinion.

The Ph.D. concluded, “it is my clinical opinion that there is insufficient evidence of a mental health condition that existed in service. There is insufficient evidence to attribute his misconduct to a mental health condition.”

In response to the AO, you provided medical documentation in support of your case. After reviewing your rebuttal evidence, the AO remained unchanged.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs, 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. The Board completely agreed with the comments provided by your CO that your behavior was entirely inconsistent with the expectations required of you as a Sailor and makes you unsuitable for further military service based on your lack of potential for future positive contribution to the Navy’s mission.

Further, the Board applied liberal consideration to your claim that you suffered from a mental health condition and TBI, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the medical evidence you provided. However, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by your mental health condition. The Board reached a similar conclusion regarding your purported TBI. In this regard, the Board simply had insufficient information available upon which to make such a conclusion. 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.

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 RE-4 reentry code. 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 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,

12/4/2025

