

for two specifications unauthorized absence (UA). On 9 December 1988, you received NJP for UA. On 7 October 1989, you reported for duty at the █.

On 18 January 1991, █ began. You commenced temporary additional duty onboard the █ from 31 January 1991 to 8 March 1991. You were stationed at █ from 24 November 1992 to 1 November 1993; when you transferred to the █.

On 25 March 1994, you received NJP for wrongful use of methamphetamine. You were evaluated by a medical officer, admitted use of methamphetamines, and were found not dependent on drugs.

Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to drug abuse. You elected to consult with legal counsel and requested an administrative discharge board (ADB). The ADB found that you had committed misconduct and recommended that you be discharged under OTH conditions due to misconduct - drug abuse. The separation authority concurred with the ADB and you were so discharged on 20 July 1994.

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 your contentions that you attempted to self-medicate due to PTSD you incurred during your time in the Iraq war, you were granted 100% service-connected disability for PTSD by the Department of Veterans Affairs (VA), and upgraded to Honorable for VA purposes. 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 documentation¹.

As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO on 2 June 2025. The AO stated in pertinent part:

Petitioner contends he incurred mental health issues (PTSD) during military service, which may have contributed to the circumstances of his separation from service.

Petitioner did not submit any medical evidence in support of his claim.

There is no evidence that the Petitioner suffered from a mental health condition or that he exhibited any symptoms of a mental health condition (PTSD) while in military service. He did not submit any medical evidence in support of his claim.

¹ The Board observed you also provided an email response to the Board's request for supporting evidence of your mental health claim. However, your response did not include any medical evidence and only included additional arguments in mitigation unrelated to your mental health claim.

The AO 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.”

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 in your final enlistment, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved a drug offense. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board also found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. 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. Additionally, the Board concurred with the AO and determined that there is insufficient evidence of a mental health condition that existed in service and insufficient evidence to attribute your misconduct to a mental health condition. As explained in the AO, you provided no medical evidence in support of your claim. Further, the Board observed that your pattern of misconduct commenced over two years prior to your deployment in support of Operation Desert Storm. 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 was not persuaded by your contention that the VA upgraded your characterization of service. The Board noted that decisions reached by the VA to determine if former servicemembers rate certain VA benefits do not affect previous discharge decisions made by the Navy. The criteria used by the VA in determining whether a former servicemember is eligible for benefits are different than that used by the Navy when determining a member’s discharge characterization.

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.

The Board further noted that you requested copies of your record and awards. The Board is not a repository of military records and is not the release authority for Department of Navy military records. The Board recommends that you contact My Navy Career Center Customer Service at 1-833-330-6622 or email at askmncc@navy.mil to request documents from your service record.

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,

7/29/2025

