



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

██████████  
Docket No. 0518-25  
Ref: Signature Date

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

Dear ██████████

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.

Although you did not file your application in a timely manner, the statute of limitation 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 2 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 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, 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 the advisory opinion (AO) furnished by a qualified mental health professional on 22 April 2025. Although you were afforded an opportunity to submit an AO rebuttal, you chose not to do so.

You enlisted in the Marine Corps and began a period of active duty on 26 May 1988. On 16 August 1989, you were counseled concerning deficiencies with paying your debt by writing an overdraft on your checking account. You were advised that failure to take corrective action could result in administrative separation. On 22 February 1990, you received nonjudicial punishment (NJP) for making utter checks in the amount of \$376.25 to various institutions for cash and thereafter failed to maintain funds. On 29 October 1991, you were counseled concerning repeated incidents of tardiness and unauthorized absence (UA). You were advised that failure to

take corrective action could result in administrative separation. On 9 January 1992, you received a second NJP for writing a false check to MWR in the amount of \$100.00. On 10 January 1992, you were counseled concerning frequent involvement with military authorities. You were advised that failure to take corrective action could result in administrative separation. On 16 March 1992, you received a third NJP for thirteen instances of UA from medical appointments.

Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to minor disciplinary actions; at which point you decided to consult with a counsel and requested a case hearing by an Administrative Discharge Board (ADB). On 20 April 1992, your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to minor disciplinary infractions. On 7 May 1992, you requested full restitution of your bad checks and waived your right to an ADB contingent upon you receiving a General (Under Honorable Conditions) (GEN) characterization. Subsequently, your commanding officer recommended the approval of your request. On 11 May 1992, your administrative separation proceedings were determined to be sufficient in law and fact. On 24 May 1992, you were discharged with a GEN characterization of service by reason of misconduct due to minor disciplinary infractions.

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 for a discharge upgrade and contentions that: (a) at the time of your discharge, you were going through rehabilitation for a broken hand and there were times when you missed medical appointments due to work requirements, (b) you contacted the clinic to let them know that you were going to miss the appointments, (c) you fought to receive an Honorable discharge; however, they gave you a GEN, (d) you served honorably and always got good conduct marks. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service. Temporally remote to his military service, he has been granted service connection for PTSD and another mental health condition. It is difficult to attribute financial mismanagement to PTSD, particularly as it appears to have been a chronic issue throughout his military service. It is also difficult to attribute the extensive number of missed appointments to inadvertent error due to excessive work requirements.

The AO concluded, "There is post-service evidence from the VA of diagnoses of PTSD and another mental health condition that may be attributed 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 these 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 observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your GEN 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 that there is insufficient evidence that your misconduct could be attributed to PTSD or another mental health condition. As explained in the AO, it is difficult to attribute financial mismanagement to PTSD; particularly as it appears to have a chronic issue throughout your 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.

Finally, the Board determined you already received a large measure of clemency when the Marine Corps granted your request for a conditional waiver and assigned you a GEN characterization of service despite your extensive record of misconduct.

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 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,

6/23/2025

