



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

██████████
Docket No. 631-25
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 father's 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 3 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).

You entered active duty with the Navy on 10 September 1982. On 18 July 1983, you received non-judicial punishment (NJP) for seven specifications of unauthorized absence (UA) totaling 36 days, missing ships movement, and breaking restriction. On 1 August 1983, you were apprehended by military police due to your failure to report to the ██████████ city jail for a pretrial confinement. On 24 August 1983, you received a medical evaluation that diagnosed you with Broadline Personality Disorder and Cannabis Abuse. On 22 September 1983, a special court-martial (SPCM) convicted you of 25 specifications of failure to go at time prescribed to appointed place of duty, failure to obey a lawful order, disrespectful in language toward a superior Petty Officer, disrespectful in deportment toward a superior Petty Officer, and wrongful use and possession of marijuana.

Consequently, you were notified of pending administrative separation action by reason of unfitness due to a pattern of misconduct. You elected to consult with legal counsel and requested an administrative discharge board (ADB). The ADB found that you committed misconduct due to a pattern of misconduct and recommended you be discharged with an Other Than Honorable (OTH) discharge. In the meantime, you commenced another period of UA on 28 November 1983 that ended with your apprehension by military authorities on 15 December 1983. The separation authority concurred with the ADB and directed your discharge by reason of misconduct due to a pattern of misconduct. On 23 December 1983, you once again commenced on a period of UA that ended with your apprehension by civil authorities and return to military control on 26 January 1984. Upon your return to military control, a special court-martial (SPCM) convicted you of two specifications of UA totaling 51 days and wrongfully wearing the insignia grade of a third-class Petty Officer. As a result, you were sentenced to confinement for 90 days, forfeiture of pay, and a Bad Conduct Discharge (BCD). After completion of all levels of review, you were so discharged on 28 October 1985.

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 contentions that you were mentally and physically abused while on active duty, you never received help for your mental problems, and the Department of Veterans Affairs (VA) diagnosed you with PTSD, paranoia, anxiety, and bipolar tendencies. The Board also noted you checked the "PTSD" and "Other Mental Health" boxes on your application but did not respond to the Board's request for supporting evidence. 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.

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 NJP and SPCMs, outweighed the mitigating evidence in your case. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved a drug related 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. Further, the Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your BCD 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. Finally, the Board considered the medical evidence you provided but noted that it was temporally remote to your service and did not contain any information regarding basis for your diagnoses. 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 discharge. While the Board carefully considered the evidence you provided 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 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,

6/25/2025

