



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 character of service and change your narrative reason for separation. The Board considered your contentions that: (1) mistakes were made in the charges against you, the identity of the commanders who imposed NJP, and the ordering and enforcing of punishment which exceeded the scope of the Navy and Marine Corps regulations on maximum punishments that could be awarded, (2) the Navy deprived you of a fair mast hearing by failing to “thoroughly and impartially” inquire into both sides of the matter, (3) you were dismissed without an intervening administrative board hearing while you were on restriction, (4) your character of service should be upgraded since your offenses may not have resulted in a discharge under modern standards, (5) you suffered from untreated alcohol dependence, (6) your alcohol dependence was used as a coping mechanism during the time that your struggles began, (7) equity warrants a discharge upgrade; you should never have been discharged for unfitness, but rather, unsuitability, and (7) you have a mental disability which is stigmatizing to you as person and to your career. 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.

As part of the Board’s review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 29 April 2025. The AO stated in pertinent part:

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. Throughout his disciplinary processing, there were no concerns raised of a mental health condition that would have warranted a referral for evaluation. He has provided evidence of mental health treatment that is temporally remote to his military service and appears 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 between the Petitioner’s statement and his service record that raise doubt regarding his candor or the reliability of his recall with the passage of time. 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 a mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to a mental health condition.”

In response to the AO, you submitted additional supporting documentation. 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 evident by your

six non-judicial punishments (NJP), outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct showed a complete disregard for military authority and regulations. The Board noted that you were provided multiple opportunities to correct your conduct deficiencies during your service, but you continued to commit additional 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.

Further, the Board concurred with the AO that there is insufficient evidence of a diagnosis of a mental health condition that may be attributed to military service, and there is insufficient evidence that your misconduct may be attributed to a mental health condition. As the AO explained, the available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with your misconduct, particularly given your pre-service behavior that appears to have continued in service. The Board agreed there is no evidence that you were diagnosed with a mental health condition in military service or that you exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Additionally, there are also inconsistencies between your statement and your service record that raise doubt regarding your candor or the reliability of your recall with the passage of time. 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 disagreed with your proffered evidentiary and due process arguments regarding your NJP offenses and your administrative separation proceedings. The Board considered you had every right to appeal your NJP to higher authority but did not do so. The Board was not willing to re-litigate the well-settled facts and findings of your case. Additionally, the Board noted your NJPs were documented in your record through administrative remarks and as part of your administrative separation processing recommendation from your commanding officer to the separation authority. Therefore, the Board concluded that the presumption of regularity applies in your case and you failed to provide sufficient evidence to overcome it. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Accordingly, the Board concluded that your administrative separation was legally and factually sufficient, and in compliance with all Department of the Navy directives and policy at the time of your discharge.

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 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,

7/2/2025

