



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

██████████
Docket No. 0859-25
Ref: Signature Date

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

Dear Petitioner:

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 27 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 9 May 2025. Although you were afforded an opportunity to submit an AO rebuttal, you chose not to do so.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 16 October 2004. On 18 April 2005, you were counseled concerning your failure to have a special request chit to go to ██████████,

██████████, and larceny for stealing alcohol from the NEX. You were advised that failure to take corrective action could result in administrative separation. On 12 May 2006, you received nonjudicial punishment (NJP) for dereliction of duty by failing to wear your Thermonuclear Dosimeter (TLD). Subsequently, you were counseled concerning your previous NJP violation and advised that failure to take corrective action could result in administrative separation.

On 17 March 2008, you began a period of unauthorized absence (UA) which lasted 17 days and resulted in you missing ship's movement. On 17 April 2008, you received a second NJP for the period of UA and missing ship's movement. Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense. You decided to waive your procedural rights and the Separation Authority approved a General (Under Honorable Conditions) (GEN) discharge characterization of service. On 16 May 2008, you were so discharged.

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) this correction should be made due to several traumatic events you experienced while you served; which include plane crashes and seeing a fellow Shipmate burned alive by steam, (b) you are currently suffering from PTSD, (c) you decided to self-medicate with alcohol and made very irrational decisions due to your PTSD, (d) you made the decision to miss ship's movement after your spouse was hospitalized, (e) knowing that you disappointed your command has left you feeling ashamed and unwilling to forgive yourself. 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, the Board considered the AO. The AO stated in pertinent part:

There is no evidence that he was diagnosed with another mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Temporally remote to his military service, the VA granted service connection for PTSD and other mental health concerns. Although it is possible that UA could be considered a behavioral indicator of avoidance consistent with undiagnosed PTSD, it is difficult to attribute theft, unauthorized international travel, and failure to follow safety protocols to a mental health condition.

The AO concluded, "There is post-service evidence from the VA of PTSD and mental health concerns that may be attributed to military service. There is insufficient evidence to attribute all of his misconduct 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 counselings and 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 theft, unauthorized international travel, and failure to follow safety protocols to a mental health condition. The Board determined that those offenses, combined, were sufficient to support your GEN characterization of service. Finally, the Board determined you already received a large measure of clemency when your command assigned you a GEN characterization of service for a record of misconduct that normally warrants an Other Than Honorable 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 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,

7/15/2025

