



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

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Docket No. 1426-25  
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 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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. 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 this 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, and applicable statutes, regulations, and policies, to include the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (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 that was considered favorable to your case.

You previously applied to this Board for an upgrade to your characterization of service and were denied relief on 14 November 2001 and 31 July 2019. The summary of your service remains substantially unchanged from that addressed in the Board's previous decisions.

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, change your narrative reason for separation and reenlistment code, to be issued a new

discharge certificate, remove lost time in Block 27 (Remarks) of your DD Form 214, change your grade, rate/rank in Block 6a of your DD Form 214, to be issued a Good Conduct Medal, and to receive disability severance pay. The Board considered your contentions that the Department of Veterans Affairs (VA) decided your military service is Honorable and that a court order states that you were insane under the VA's definition at the time of the misconduct leading to your discharge. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 with supporting documentation from the VA.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 21 May 2025. The AO noted in pertinent part:

Petitioner was evaluated during military service and received no mental health diagnosis. Temporally remote to his military service, the VA determined that diagnoses of PTSD and another mental health condition were related to his military service. Specifically, VA clinicians have considered that his misconduct may be attributed to irritability and manic symptoms that may be consistent with undiagnosed symptoms of Schizoaffective disorder. It is possible that his mental health concerns may have become more clear with the passage of time and increased understanding. It is possible that symptoms that were previously considered related to substance use disorder may be reconceptualized as related to another mental health condition.

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 post service evidence from the VA that his misconduct may be attributed to PTSD or another 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 non-judicial punishments and your request for the good of the service discharge in lieu of trial by court-martial, 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 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 noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial; thereby sparing you the stigma of a court-martial conviction and possible punitive discharge.

Additionally, the Board noted that VA eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA eligibility determinations, disability ratings, and/or discharge classifications are not binding on

the Department of the Navy and have no bearing on previous active-duty service discharge characterizations. Furthermore, based on your administrative separation processing for misconduct that resulted in an OTH characterization, the Board determined that you were ineligible for a “disability severance pay” even if there was evidence to support your referral to the Disability Evaluation System.

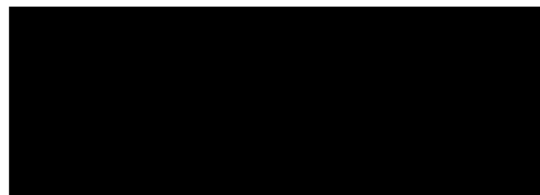
Further, despite the conclusion of the AO, the Board did not find sufficient evidence to establish any nexus between your mental health condition and the misconduct for which you were discharged. The Board did not question that you suffered from a mental health condition but simply felt that it had insufficient information regarding the nature and manifestation of your condition upon which to draw any reasonable conclusions. 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<sup>1</sup>. 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,

6/23/2025



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<sup>1</sup> Based on this finding, the Board found no basis to grant any of your requests for relief.