



Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, 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. Your Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that you were separated from the Navy, on 1 February 2008, with an Other Than Honorable (OTH) characterization of service, narrative reason for separation of "Misconduct" your separation code of "HKQ," and reentry code of "RE-4." Your separation code is consistent with a discharge due to commission of a serious offense. On 1 February 2008, you received a counseling entry indicating you were assigned an RE-4 reentry code due to your diagnosed personality disorder.

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) you were facing mental health challenges while in service, (b) the decision to discharge you from service was done so with prejudice, bias, and without proper consideration of your mental health challenges, (c) these mental health challenges, which directly stemmed from your military service, have since been recognized as evidence by your current Department of Veterans Affairs (VA) disabled status, (d) you were struggling with the trauma and mental health challenges that you did not fully comprehend or have the tools to address, (e) over the years, as you received treatment and VA recognition for your disabilities, you came to realize that these factors were not taken into consideration during your discharge process. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and 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:

While there are only limited records available for review, Petitioner was appropriately referred for psychological evaluation and properly evaluated during her enlistment. Her personality disorder diagnosis was based on observed behaviors and performance during her period of service, the information she chose to disclose, and the psychological evaluation performed by the mental health clinician. Temporally remote to her military service, the VA has granted service connection for PTSD. Unfortunately, there is insufficient information regarding her purported trauma to attribute her misconduct to a condition other than personality disorder. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to her misconduct) may aid in rendering an alternate opinion.

The AO concluded, "There is in-service evidence of a mental health diagnosis (Personality Disorder). There is post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence to attribute her misconduct to mental health concerns other than Personality Disorder."

In response to the AO, you provided a rebuttal statement in support of your application. After reviewing your rebuttal evidence, the AO remained unchanged.

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, 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. Additionally, the Board concurred with the AO that there is insufficient evidence to attribute your misconduct to mental health concerns other than Personality Disorder. As explained in the AO, is insufficient there is insufficient information regarding your purported trauma to attribute your misconduct to a condition other than personality disorder. Additionally, the Board agreed your VA diagnosis is temporally remote to your service and insufficient to support a nexus between your misconduct and PTSD diagnosis. Further, contrary to your rebuttal statement that you were not diagnosed with a personality disorder, the Board found contradicting evidence in your record. Thus, the Board determined you provided insufficient evidence to overcome the presumption of regularity regarding your personality disorder or that you were properly discharged for your lengthy period of UA. 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 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,

8/26/2025

