

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED] USMC

d. On 11 April 1990, Petitioner received non-judicial punishment (NJP) for sleeping on watch. Petitioner deployed to [REDACTED] in support of [REDACTED]. On 14 May 1992, Petitioner received NJP for wrongful use of marijuana. On 29 May 1992, Petitioner was given a Neuropsychiatric exam and diagnosed with adjustment disorder and personality disorder and recommended for administrative separation. On 10 June 1992, Petitioner was given a substance abuse evaluation and determined to be and abuser of alcohol and drugs, but not dependent.

e. On 7 July 1992, Petitioner was notified of administrative separation processing by reason of misconduct due to drug abuse. Petitioner waived his right to counsel and to a hearing before an administrative separation board. Petitioner's commanding officer recommended an under other than honorable (OTH) conditions discharge by reason of his misconduct. The separation authority approved the recommendation and Petitioner was so discharged on 5 August 1992.

f. Petitioner contends that Post Traumatic Stress Disorder (PTSD) contributed to his misconduct and focused his application on his post-discharge conduct. He also argued that that he raised three children, opened a restaurant in 1999, and hosts fundraisers for Veterans organizations. In support of his application, Petitioner submitted eight character references that attested to his good character and conduct, and spoke to his characterization of service upgrade request. He also submitted pictures of his children, his restaurant, and fundraisers. In response to the Board's request for additional information regarding his PTSD contention, Petitioner submitted a 23 January 2025 Disability Benefits Questionnaire (DBQ) noting a diagnosis of PTSD due to combat stressors.

g. As part of the Board's review, the Board considered enclosure (4). The AO states in pertinent part:

Petitioner contends he incurred Post Traumatic Stress Disorder (PTSD) during military service, which may have contributed to the circumstances of his separation from service.

During military service, the Petitioner was appropriately referred and properly evaluated for mental health concerns. He was diagnosed with mental health concerns related to personality and difficulty adjusting. He was also diagnosed with alcohol and substance use disorders.

Temporally remote to his military service, he has been diagnosed with PTSD by a VA affiliated psychologist. It is possible that mental health concerns identified as characterological or transient adjustment difficulties in service have been re-conceptualized as trauma symptoms with the passage of time and increased understanding.

It is also possible that there may be some error in the Petitioner's recall over time. During his DBQ, he did not report problematic pre-service alcohol or substance use, which differs from his report in service. It is plausible that his alcohol use may have increased following his combat deployment. However, it is difficult to

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attribute his in-service substance and alcohol use disorders solely to self-medication of mental health symptoms incurred from combat, given service records that indicate pre-service alcohol and marijuana use. Additionally, misconduct prior to his deployment may not be attributed to PTSD symptoms.

The AO concluded, “it is my considered clinical opinion that there is post-service evidence from a VA-affiliated psychologist of a diagnosis of PTSD that may be attributed to military combat service. There is insufficient evidence to attribute his misconduct solely to PTSD.”

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner’s request warrants relief.

The Board found no error in Petitioner’s separation for misconduct due to drug abuse and his OTH characterization of service.

Because Petitioner based his claim for relief, in part, upon the possibility that his misconduct was the product of his diagnosed PTSD condition, the Board reviewed Petitioner’s application in accordance with the guidance of reference (c). The Board applied liberal consideration to Petitioner’s contention that his misconduct was influenced by a mental health condition (PTSD). The Board concurred with AO and determined that while there is post-service evidence from a VA-affiliated psychologist of a diagnosis of PTSD that may be attributed to military combat service, there is insufficient evidence to attribute his misconduct solely to PTSD. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and recognized the same concerns raised in the AO.

The Board also considered the totality of the circumstances to determine whether clemency is warranted in the interests of justice in accordance with reference (b). The Board noted Petitioner’s disciplinary infractions, one of which occurred pre-deployment, and does not condone his misconduct which resulted in his OTH characterization of service. 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. However, the Board also considered, among other factors, the evidence Petitioner submitted that documented his post-discharge good character and commitment to Veterans’ support and charities, Petitioner’s in-service Proficiency and Conduct averages of 4.4 and 4.5 respectively, Petitioner’s combat service, and Petitioner’s remorse for his actions. Based upon these mitigating factors, purely as a matter of clemency, the Board believed that Petitioner’s characterization of service should be upgraded to “General (Under Honorable Conditions)” (GEN).

Notwithstanding the recommended corrective action below, the Board concluded by opining that no further relief was warranted. While the Board considered the guidance that flawless service is not required for an Honorable characterization of service, the Board determined his misconduct was not minor and sufficiently serious to merit only a GEN characterization of service. Based on the same rationale, the Board also concluded Petitioner’s narrative reason for separation,

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separation code, and reentry code remain appropriate. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating, for the period ending 5 August 1992, he was discharged with a "General (Under Honorable Conditions)" characterization of service. All other entries currently reflected on his DD Form 214 are to remain unchanged.

That no further changes be made to Petitioner's record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

1/30/2026

