



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

[REDACTED]
Docket No. 1801-25
Ref: Signature Date

[REDACTED]

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 26 September 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). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider and your AO rebuttal submission.

You previously applied to this Board for relief. On 21 July 1987, this Board denied your discharge upgrade petition. At that time, did not proffer any mental health-related contentions with your petition. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

You enlisted in the U.S. Navy and began a period of active duty service on 1 September 1981. Your pre-enlistment physical examination, on 4 March 1981, and self-reported medical history

both noted no psychiatric or neurologic issues, history, or symptoms. On 19 May 1982, you reported for duty on board the [REDACTED].

On 14 April 1985, your command issued you a "Page 13" retention warning (Page 13) documenting: (a) your poor personal and military behavior as a direct result of your excessive use of alcohol, (b) using poor judgment and discretion, and (c) bringing discredit upon yourself and the naval service. The Page 13 advised you that any further deficiencies in performance and/or conduct may result in disciplinary action and in processing for administrative separation.

On 6 June 1985, your separation physical examination and self-reported medical history both noted no psychiatric or neurologic issues, conditions, or symptoms. On 12 June 1985, you received non-judicial punishment (NJP) for: (a) the wrongful possession of a controlled substance (marijuana in hashish form), and (b) the wrongful introduction of a controlled substance (marijuana in hashish form) on board a naval vessel. You did not appeal your NJP.

That same day, your command notified you of administrative separation proceedings by reason of misconduct due to drug abuse. You waived your right to request a hearing before an administrative separation board.

In the interim, on 19 June 1985, your drug dependency screening indicated that you were not drug dependent and no rehabilitation was required. During the screening, you also admitted to the use of marijuana 2x/month, that your marijuana usage was recreationally only, and that you did not desire to receive counseling.

On 24 June 1985, your commanding officer (CO) recommended to the Separation Authority that you should receive an under other than honorable conditions (OTH) discharge characterization. In his recommendation, your CO stated, in pertinent part:

[SNM] has been in the Navy for nearly four years and has failed to advance in rate. His performance is not consistent. While the ship was conducting quarterdeck searches, the respondent was found to have approximately two grams of hashish in his possession. He was awarded non-judicial punishment for the wrongful possession and introduction of marijuana onboard a naval vessel. At mast, [SNM] admitted to using marijuana on various occasions over the last twelve months. He was fully aware of the Navy's drug policy and its consequences at the time of his actions. There is no room in the naval service for an individual of this caliber.

Ultimately, on 11 July 1985, you were separated from the Navy for misconduct with an OTH discharge characterization and assigned an RE-4 reentry code.

On 27 January 1987, the Naval Discharge Review Board (NDRB) denied your discharge upgrade application. At that time, you did not proffer any mental health-related contentions with your application.

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 spent almost your entire active duty career on the [REDACTED] [REDACTED], deployed to the [REDACTED] supporting the contingency and recovery operation in Beirut after the October 1983 terrorist attack, (b) at one point, you were assigned with Marines and medics, and you were the only personnelman on the boat, (c) you were told your first job was to find and collect the personnel records of the Marines who were assigned to the barracks, and your second job was to help the medics find and collect the body parts of the Marines who had been killed while the Navy SEALS and Marines provided security, (d) you had never seen a dead body before, and finding/collecting body parts was horrific, (e) things were very tense on the ship and you remember another ship also exchanging fire with terrorist targets from [REDACTED], (f) at the time you were self-medicating with drugs/alcohol following the [REDACTED] bombing, and (g) you currently live with alcohol dependence, insomnia, anxiety, and severe PTSD. 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.

A licensed clinical psychologist (Ph.D.) reviewed your contentions and the available records and issued an AO on 30 May 2025. 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 a mental health condition in military service. Temporally remote to his military service, he has received diagnoses of PTSD and other mental health concerns from a civilian primary care physician that may be attributed to his military experiences. It is possible that the Petitioner's substance use may be considered behavioral evidence of mental health concerns during military service. However, it is difficult to attribute his substance use solely to self-medication, given in-service denial of mental health symptoms and a statement that his substance use was recreational.

The Ph.D. concluded, "There is post-service evidence from a civilian provider of diagnoses of PTSD and other mental health concerns that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed solely to PTSD or another mental health condition."

In response to the AO, you provided an AO rebuttal submission. After reviewing your rebuttal evidence, the Ph.D. did not change or otherwise modify their AO.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In accordance with the Hagel, Kurta, and Wilkie Memos, the Board gave liberal and special consideration to your record of service and your contentions about any traumatic or stressful events you experienced and their possible adverse impact on your service. However, the Board concluded that there was no convincing evidence of any nexus between any purported PTSD, mental health conditions and/or related symptoms and your misconduct, and determined that there was insufficient evidence to support the argument that any such PTSD, and/or mental health conditions mitigated the misconduct that formed the basis of your discharge. As a result, the Board concluded that your misconduct was not due to PTSD or mental health-related conditions or symptoms. Even if the Board assumed that your misconduct was somehow attributable to PTSD or any mental health conditions, the Board unequivocally

concluded that the severity of your cumulative drug-related misconduct far outweighed any and all mitigation offered by such mental health conditions. The Board determined the record reflected that your drug-related misconduct was intentional and willful, and demonstrated you were unfit for further service. The Board further 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.

The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined that characterization under OTH conditions is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a Sailor. The Board determined that illegal drug use is contrary to Navy core values and policy, renders such service members unfit for duty, and poses an unnecessary risk to the safety of their fellow Sailors. The Board noted that marijuana use in any form is still against current Department of Defense regulations and not permitted for recreational use while serving in the military. Moreover, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

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 in 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,

11/17/2025

[REDACTED]

Executive Director
Signed by: [REDACTED]