



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

[REDACTED]  
Docket No. 2084-25  
Ref: Signature Date

[REDACTED]

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 Board waived the statute of limitation 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 19 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 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, and applicable statutes, regulations, and policies, to include to 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) (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) of a qualified mental health provider and your response to the AO.

You enlisted in the Marine Corps, after being granted a waiver for pre-service marijuana use and a misdemeanor drug offense and began a period of active duty on 4 November 1996. After being awarded the Good Conduct Medal in November 1999, you were notified of processing for administrative separation the following month due to in-service drug use; which you admitted during an interview for your security clearance. You requested hearing before an administrative separation board and also submitted to a polygraph examination during which you admitted to having been untruthful about the scope of your pre-service drug use and to having used

controlled substances "a couple of times" while on active duty. On 15 April 2000, your administrative separation board substantiated the basis of misconduct due to drug abuse based upon your own admission and the evidence of your failed polygraph examination. The members recommended your separation under Other Than Honorable (OTH) conditions, which was approved as recommended, and you were so discharged on 26 May 2000.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) addressing the circumstances which led to your separation. You contended that your discharge precipitated a personal crisis which led to you embracing a sober, clean, honest life. Your request was considered on 8 April 2004 and denied. The NDRB noted that, despite positive aspects in your service record, drug abuse warranted processing for separation and that separation under such conditions generally results in characterization of service under OTH conditions.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie, Kurta, and Hagel Memos. These included, but were not limited to, your desire to upgrade your discharge and change your narrative reason for separation. You contend that a physical assault by a noncommissioned officer, which you did not report due to fear of retaliation, triggered past trauma from your childhood. As a result, you increased your consumption of alcohol and began looking for ways to escape. You allege that your leadership intentionally ignored your increasing drinking problem as long as you continued to perform well, but that you began using marijuana to escape anxiety and the pain of mental trauma. You also state that you attended alcohol rehabilitation prior to your discharge, entered recovery in 2000, and have remained sober for more than 23 years since your discharge. You submitted evidence of post-service accomplishments and letters of recommendation in addition to your Department of Veterans Affairs records. 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.

Because you contend that post-traumatic stress disorder (PTSD) or another mental health condition affected your discharge, the Board also considered the AO. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated on multiple occasions during his enlistment, including during inpatient treatment for alcohol use disorder. He received no mental health diagnosis other than alcohol and substance use disorders.

Temporally remote to his military service, he has received a diagnosis of PTSD. Post-service clinicians have expressed differing opinions regarding whether this diagnosis is to be attributed to military service. At a minimum, his diagnosis of PTSD may not be solely attributed to military service, as his purported in-service trauma exacerbated pre-service abuse experiences.

There are discrepancies in the service record and conflicting statements raise doubt regarding the Petitioner's candor or the reliability of his recall over time. It is difficult to attribute his misconduct to mental health concerns given his extensive pre-service substance use that continued in service.

The AO concluded, "There is insufficient evidence of a diagnosis of PTSD or another mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to PTSD or another mental health condition other than alcohol or substance use disorder."

In response to the AO, you submitted additional evidence 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 admission of drug abuse, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact your misconduct involved drug offenses. 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.

Additionally, the Board concurred with the AO regarding the insufficient evidence of a nexus between your contended mental health claims and your return to marijuana use, especially in light of your extensive pre-service history of marijuana use. The Board applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and the fact your medical evidence is temporally remote to your service. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion. 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 is attached 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,

11/19/2025

