



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

Docket No. 2100-25
Ref: Signature Date

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 22 July 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. Although you were afforded an opportunity to submit an AO rebuttal, you chose not to do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You previously applied to this Board for an upgrade to your characterization of service. You were denied relief on 26 January 2024 and 16 October 2024. The summary of your service remains substantially unchanged from that addressed in the Board's most recent decision.

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 and change your separation code. You contend that: (1) you admit that you made a mistake, (2) at the end of your enlistment you found yourself disconnected and seeing yourself in the third person, (3) you were having “these feelings” and were afraid to speak to anyone due to the possible repercussions of you being administratively separated from the naval service, (4) your mental state was a leading factor for your misconduct, and (5) you were sending money home to help support your parents without regard to how financially crippling it was to you. You assert that you have started a small catering business, have gone to school for your medical assistant certification, and have attained your associate’s degree in surgical technology. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149, personal statement, health care documentation, and advocacy letters.

As part of the Board’s review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 2 June 2025. The AO stated in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Temporally remote to his military service, he has received diagnoses of PTSD and another mental health condition that a civilian provider has determined may have been present during his military service. Unfortunately, available records are not sufficient to provide a nexus with his misconduct. Larceny is not a typical symptom of PTSD or depression. While the Petitioner may have been experiencing mental health symptoms in service due to childhood experiences and family pressures, it is difficult to attribute misuse of another’s credit card to a mental health condition.

The AO concluded, “There is post-service evidence from a civilian provider of diagnoses of PTSD and another mental health condition that may have been present during military service. There is insufficient evidence 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 evident by your non-judicial punishment for larceny, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct showed a complete disregard for military authority and regulations. The Board also considered the negative impact your conduct likely had on the good order and discipline of your command.

Additionally, the Board concurred with the AO that, while there is post-service evidence from a civilian provider of diagnoses of PTSD and another mental health condition that may have been present during military service, there is insufficient evidence that your misconduct may be

attributed to PTSD or another mental health condition. As the AO explained, the available records are not sufficient to provide a nexus with your misconduct. Furthermore, the Board agreed that larceny is not a typical symptom of PTSD or depression and, while you may have been experiencing mental health symptoms in service due to childhood experiences and family pressures, it is difficult to attribute misuse of another's credit card to a mental health condition. The Board also agreed there is no evidence that you exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Finally, the Board determined your diagnosis from a civilian provider is too temporally remote from your military service. 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 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,

7/31/2025

Executive Director

Signed by: ■