



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

██████████
Docket No. 2228-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
██████████, USN, XXX-XX-██████████

Ref: (a) Title 10 U.S.C. §1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USECDEF Memo of 25 Aug 2017 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Naval record (excerpts)
(3) Advisory opinion of 22 May 25

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting for an upgrade of his characterization of service. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████ and ██████████, reviewed Petitioner's allegations of error and injustice on 12 August 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies to included references (b) through (e). Additionally, the Board considered enclosure (3); an Advisory Opinion (AO) furnished by a qualified mental health provider. Although Petitioner was provided an opportunity to comment on the AO, he chose not to do so.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although the enclosure was not filed in a timely manner, the statute of limitation was waived in accordance with reference (d).

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c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 7 September 1993. On 6 May 1997, Petitioner was discharged with an Honorable characterization of service due to reduction in force.

d. After a break in service, Petitioner reenlisted in the U.S. Navy Reserve and began a period of active duty on 11 November 1997. After a period of continuous Honorable service, immediately reenlisted on 17 November 2000.

e. On 27 October 2003, Petitioner received non-judicial punishment for wrongful use of cocaine.

f. Consequently, Petitioner was notified for separation for misconduct drug abuse and commission of a serious offense. He elected an administrative discharge board (ADB); which met on 18 February 2004, found Petitioner committed drug abuse, and recommended he be discharged with an Other Than Honorable (OTH) characterization of service. The separation authority accepted the recommendation and Petitioner was so discharged on 4 April 2004. Upon his discharge, he was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate his period of continuous Honorable service from 11 November 1997 to 16 November 2000.

g. Petitioner contends that he received psychological help from the Department of Veterans Affairs (VA) for PTSD and substance abuse disorder and he lacked the emotional intelligence to admit he was an addict or to ask for help in 2004. He further contends he had three incidents that contributed to the PTSD experiences. The first was in boot camp from the gas chamber, the second was on deployment while transiting through the [REDACTED] when he was hazed, and third was while in a port visit in [REDACTED] where he was attacked by 10 huge [REDACTED]. For the purpose of clemency and equity consideration, Petitioner provided a personal statement, certificates, evidence of his sobriety, VA documentation, academic accomplishments, medical documents, and advocacy letters.

h. In light of the Petitioner's assertion of Mental Health Condition, the Board requested enclosure (3). The AO stated in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military. There is description of behavior in-service that may be indicative of a substance use disorder. Temporally remote to his military service, the VA has determined service connection for substance use disorder and a trauma-related disorder. Unfortunately, the available records are not sufficiently detailed to provide a nexus with his misconduct, particularly given descriptions provided in the Administrative Board. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "There is post-service evidence from the VA of a trauma-related mental health that may be attributed to military service. There is insufficient evidence that his

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misconduct may be attributed to PTSD or another mental health condition other than substance use disorder.”

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner’s record warrants partial relief. Specifically, as discussed above, the Board determined Petitioner’s DD Form 214 fails to document Petitioner’s continuous Honorable service from 11 November 1997 through 16 November 2000 and requires correction.

Notwithstanding the below recommended corrective action, the Board concluded insufficient evidence exists to support Petitioner’s request for an upgrade in characterization of service. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner’s case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, Petitioner’s desire for a discharge upgrade and his previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In making this finding, the Board considered the seriousness of his misconduct and the fact it included a drug offense. 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. Finally, the Board noted that, although one’s service is generally characterized at the time of discharge based on performance and conduct throughout the entire enlistment, the conduct or performance of duty reflected by only a single incident of misconduct may provide the underlying basis for discharge characterization. Further, the Board concurred with the AO that there is insufficient evidence that his misconduct may be attributed to PTSD or another mental health condition other than substance use disorder. The Board agreed that the VA evidence is temporally remote to Petitioner’s service and available records are not sufficiently detailed to provide a nexus between a mental health condition and his misconduct.

As a result, the Board determined that there was no impropriety or inequity in Petitioner’s discharge and concluded that his misconduct and disregard for good order and discipline clearly merited his discharge. While the Board carefully considered the evidence Petitioner provided 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 Petitioner a discharge upgrade or granting him an upgrade as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct.

RECOMMENDATION:

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

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Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 4 April 2004, to reflect the following comment added to the Block 18 Remarks section:

“CONTINUOUS HONORABLE ACTIVE SERVICE FROM 971111 UNTIL 001116.”

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

8/19/2025

