



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 2386-25

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 21 November 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. Although you were provided an opportunity to respond to the AO, you chose not to do so.

You previously applied to this Board for a discharge upgrade and were denied on 16 December 2009. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision. The Board noted that you did not proffer any mental health conditions or concerns 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 Hagel, Kurta, and Wilkie Memos. These included, but were not limited to, your desire for a discharge upgrade with changes to your reason for separation and reentry code. You contend that: (a) while stationed in Japan, you struggled to adjust to military life and began drinking daily as a means of coping with your undiagnosed depression and anxiety, both of which stemmed from your childhood trauma, (b) over time, your symptoms worsened, and your behavior became increasingly affected by your alcohol use, (c) your OTH discharge failed to account for the significant mitigating factors surrounding your service-related struggles, (d) at the time of your discharge in 1985, the military had a limited understanding of mental health disorders, particularly those related to trauma, (e) your in-service behavior during service, including your struggles with substance use, was a direct result of undiagnosed and untreated mental health conditions, (f) your OTH discharge fails to account for the full context of your service, the untreated mental health conditions that influenced your behavior, and the significant rehabilitation you have undertaken post-service, (g) your struggles with substance use were not a matter of defiance but rather a manifestation of undiagnosed complex post-traumatic stress disorder, adjustment disorder with anxiety and depression, and substance-induced mood disorder, (h) had these conditions been properly recognized and treated during your service, your discharge may have been handled differently, and (i) given the compelling evidence of his service, rehabilitation, and character, the Board should grant your request to upgrade your discharge status and change your narrative summary and reentry code accordingly. For purposes of clemency and equity consideration, the Board considered the totality of 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 25 June 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

Petitioner submitted the results of an August 2024 civilian psychological evaluation that described childhood trauma resulting in symptoms of PTSD "which...were exacerbated by the demands and pressures of military service." The Petitioner was diagnosed with PTSD, Adjustment Disorder with Anxiety and Depression, and Substance-induced Mood Disorder, by history.

Petitioner was evaluated during military service, and received no mental health diagnosis. He denied problematic alcohol or substance use. Temporally remote to his military service, he has received diagnoses of PTSD and other mental health concerns that are deemed to have onset prior to military service and been exacerbated by military service. Unfortunately, there are some inconsistencies with his service record and his current report that raise doubt regarding the reliability of his recall over time. Available records are not sufficiently detailed to establish a nexus with his misconduct, particularly given multiple instances of misconduct over an extended period of time.

The Ph.D. concluded, "There is some post-service evidence of diagnoses of PTSD and other mental health concerns that may have been present during military service. There is insufficient evidence to attribute his misconduct to PTSD or another mental health condition."

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 potential mental health conditions and/or related symptoms and your misconduct, and determined that there was insufficient evidence to support the argument that any such 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 mental health-related conditions or symptoms. 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 cumulative misconduct far outweighed any and all mitigation offered by such mental health conditions. The Board determined the record reflected that your misconduct was intentional and willful, and demonstrated you were unfit for further service. The Board also 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 also determined that you also had a legal, moral, and ethical obligation to remain truthful on your enlistment paperwork. The Board concluded that had you properly and fully disclosed your purported pre-service trauma and resulting mental health symptoms on your enlistment application, you may have been disqualified from enlisting in the Navy.

The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board determined that characterization under Other Than Honorable (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 by a Sailor is contrary to Navy core values and policy, renders such Sailors unfit for duty, and poses an unnecessary risk to the safety of their fellow shipmates.

The Board also found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command.

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,

12/1/2025

