



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

Docket No. 2473-25
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.

Although you did not file your application in a timely manner, the statute of limitation was waived 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 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 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 enlisted in the U.S. Navy and began a period of active duty service on 6 February 1984. Your pre-enlistment physical examination, on 17 May 1983, and self-reported medical history both noted no psychiatric or neurologic issues, history, conditions, or symptoms.

Your submarine duty physical examination, on 28 February 1984, and self-reported medical history both noted no psychiatric or neurologic issues, history, conditions, or symptoms. On 26 July 1985 you reported for duty on board the [REDACTED]

On 24 May 1985, you were convicted by the ██████████ for driving under the influence onboard ██████████. The Magistrate suspended your drivers license for six (6) months, ordered you pay a fine and court costs, and sentenced you to one (1) month in jail; but suspended the confinement.

On 21 October 1986, you received non-judicial punishment (NJP) for an unauthorized absence (UA). A portion of your punishment was suspended. You did not appeal your NJP.

On 24 November 1986, you commenced a period of UA. While in a UA status you missed the movement of your submarine. Your UA terminated after sixty-six (66) days on 29 January 1987.

On 9 February 1987, your command vacated the suspended portion of your NJP from October 1986 and ordered it executed due to your continuing misconduct. On 9 February 1987, you received NJP for: (a) your 66-day UA, and (b) missing movement. You did not appeal your NJP.

On 5 March 1987, your command notified you of administrative separation proceedings by reason of misconduct due to the commission of a serious offense. You consulted with counsel and elected to request a hearing before an administrative separation board (Adsep Board).

On 2 April 1987, an Adsep Board convened in your case. At the Adsep Board, you were represented by counsel and you provided sworn testimony on your own behalf. Following the presentation of evidence and any witness testimony, the Adsep Board members unanimously determined you committed misconduct and recommended that you should be separated with a General (Under Honorable Conditions) ("GEN") discharge characterization.

On 5 April 1987, your commanding officer recommended to the Separation Authority (SA) that you should receive an under other than honorable conditions ("OTH") characterization of service. In the interim, your separation physical examination on 20 April 1987 noted no psychiatric or neurologic issues, history, conditions, or symptoms. On 27 April 1987, the SA approved and directed your GEN discharge.

On 12 May 1987, your command disqualified you from submarine duty, due to your commission of a serious offense, and removed your submarine designator. As a result, you were also no longer entitled to wear the enlisted submarine breast insignia. Ultimately, on 12 May 1987, you were separated from the Navy for misconduct with a GEN discharge characterization and assigned an RE-4 reentry code.

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 reinstatement of your paygrade. You contend that you have been diagnosed with generalized anxiety disorder and major depressive disorder, recurrent episodes, severe, caused by your submarine service in the Navy. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, medical evidence, and a statement in support of your mental health claims.

A licensed clinical psychologist (Ph.D.) reviewed your contentions and the available records and issued an AO on 3 June 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. He was found to be psychologically fit for service.

His adjustment diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinician. An Adjustment Reaction typically indicates an emotional concern that resolves once the stressor, such as military service, is removed.

Temporally remote to his military service, he has been diagnosed with other mental health concerns that have been attributed to have onset during military service. It is possible that the mental health concerns identified as an adjustment difficulty in military service have been re-conceptualized as other mental health concerns with the passage of time and increased understanding.

There is no medical evidence of a diagnosis of PTSD. It is difficult to attribute his misconduct to a mental health condition, given repeated statements that his misconduct was related to family stress and separation from his spouse.

The Ph.D. concluded, "There is in-service and post-service evidence of mental health concerns that may be attributed to military service. There is insufficient evidence of a diagnosis of PTSD. There is insufficient evidence that his misconduct may be attributed to a 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 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, willful, and persistent, 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 observed that character of military service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your overall active duty trait average calculated from your available performance evaluations during your enlistment was approximately 2.9 in conduct. Navy regulations in place at the time of your discharge recommended a minimum trait average of 3.0 in conduct (proper military behavior), for a fully honorable characterization of service. The Board concluded that your conduct marks during your active duty career were a direct result of your cumulative misconduct which further justified your GEN discharge characterization and no higher.

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 simple fact remains is that you left the Navy while you were still contractually obligated to serve and you went into a UA status without any legal justification or excuse for sixty-six (66) days, and missed your submarine's movement in the process. The Board determined that characterization under GEN or 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.

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

