



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

██████████
Docket No. 2484-25
Ref: Signature Date

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Dear ██████████

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 25 August 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). The Board also considered the advisory opinion (AO) furnished by a qualified mental health professional. Although you were provided an opportunity to respond to the AO, you chose not to do so.

You enlisted in the Navy and commenced active duty on 30 September 1965. On 30 December 1965, you were apprehended by shore patrol for walking down the street without your cover on and being without your identification and liberty cards. On 1 February 1966, you received non-judicial punishment (NJP) for unauthorized absence (UA) and willful disobedience of a non-commissioned officer. On 1 April 1966, you received a second NJP for a period of UA. On 30 August 1966, you received NJP for a period of UA. On 28 December 1966, you received NJP for violating a general lawful order by tampering with (discharging) a fire extinguisher.

On 7 April 1967, you were issued an administrative remarks (Page 13) counseling regarding your non-recommendation for reenlistment due to low average evaluation marks in the category of professional performance. Consequently, on 10 April 1967, you were discharged with a General (Under Honorable Conditions) (GEN) characterization of service upon release from active duty and transfer to the naval reserves.

On 9 December 1971, administrative remarks documented that you were previously not recommended for reenlist due to conviction by civil authorities. The remarks further annotated that you were not processed for administrative separation since your terminal date of service expired on 1 October 1971.

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 characterization of service and your contention that you have a Department of Veterans Affairs (VA) rating of 100% permanently and totally disabled, due to service-connected diagnoses of PTSD, unspecified mood disorder, and exposure to asbestos. It is your belief that, since these conditions were determined to be service connected and the VA determined your characterization of service was Honorable, your military characterization of service should similarly be upgraded based on the VA's determination. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and the documents from the VA.

As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO on 1 July 2025. The AO noted in pertinent part:

There is no evidence that the Petitioner was diagnosed with a mental health condition during his military service or that he suffered from any symptoms incurred by a mental health condition. He submitted evidence of diagnosis of Unspecified Mood Disorder that is temporally remote to service. His personal statement is not sufficiently detailed to provide a nexus between his misconduct and any mental health condition. Additional records (e.g., active duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is insufficient evidence of a mental health condition that existed in service. There is insufficient evidence to attribute his misconduct to a mental health condition (PTSD)."

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP's, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and 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

GEN 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. The Board determined you already received a large measure of clemency when you were granted a GEN characterization of service despite your extensive record of misconduct.

Additionally, the Board concurred with the AO and determined that there is insufficient evidence of a mental health condition that existed in service and insufficient evidence to attribute your misconduct to a mental health condition. The Board agreed with the AO that your personal statement was not sufficiently detailed to provide a nexus with your misconduct and any mental health condition.

Moreover, the Board found that you were awarded the correct characterization of service based on your conduct trait average of 2.81. Service regulations required a final conduct trait average of 3.0 in order to qualify for an Honorable characterization of service; a minimum requirement you did not achieve.

Finally, the Board noted that VA eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA eligibility determinations, disability ratings, and/or discharge classifications are not binding on the Department of the Navy and have no bearing on previous active duty service discharge characterizations.

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,

9/3/2025

