



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

[REDACTED]  
Docket No. 2640-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,  
XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. § 1552  
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)  
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)  
(d) USD Memo of 25 Aug 17 (Kurta Memo)  
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures  
(2) Advisory Opinion (AO) of 2 Jul 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 that his discharge be upgraded to Honorable. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 15 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, applicable statutes, regulations, and policies, to include references (b) through (e). Additionally, the Board considered enclosure (2), an advisory opinion (AO) furnished by qualified mental health provider, which was considered favorable toward Petitioner.

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. Although Petitioner did not file his application in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

b. Petitioner enlisted in the Navy and began a period of active duty on 17 August 2000.

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c. On 6 November 2000, Petitioner's command referred him to mental health for a fitness for duty evaluation, incident to a suicide attempt, noting that he had also been repeatedly late for work. Petitioner reported experienced significant life stressors and having felt depressed for approximately one year. He admitted that he had already gotten rid of his firearms to ensure that he "wouldn't do something stupid" and that he also needed to get rid of his knives. He was observed to have a depressed mood with poor to fair judgment, diagnosed with Major Depressive Disorder (MDD), and prescribed Paxil.

d. Following his diagnosis, Petitioner served for more than three years without incident. However, he incurred three periods of unauthorized absence (UA) of increasing duration beginning in November of 2003. Specifically, his UA periods were 19 November 2003 through 17 December 2003, 17 December 2003 through 21 January 2004, and 28 January 2004 through 8 April 2004.

e. On 9 April 2004, Petitioner was tried and convicted by Special Court-Martial (SPCM) for violations of the Uniform Code of Military Justice (UCMJ) that included three specifications under Article 86, for his UA periods, and one specification under Article 134, for breaking restriction. His sentence included reduction to the lowest paygrade of E-1, 60 days confinement, and a Bad Conduct Discharge (BCD). Petitioner was ultimately discharged with a BCD on 23 June 2006.

f. The Board noted that Petitioner's record reflects no documented disciplinary action from the time of his entry onto active duty in August of 2000 until he commenced his first period of UA in November of 2003; however, his discharge record does not reflect receipt of a Good Conduct Medal. Additionally, Petitioner submitted evidence of a personal award recognition which is not documented in his OMPF or his discharge record.

g. Petitioner contends that his record of service was exemplary prior to experiencing a profound mental health crisis. He states that he made candid efforts during his active duty service to seek mental health assistance, but did not receive adequate support or intervention from his command. He believes that the mental health issues he experienced warrant liberal consideration of the misconduct and render his punitive discharge inequitable and inconsistent with Navy standards. In support of his request and for the purpose of clemency and equity consideration, Petitioner submitted four character letters, service health records, his service performance records with an individual award recognition, a legal brief, and his personal statement.

h. Because Petitioner contends that a mental health condition affected the circumstances of the misconduct which resulted in his punitive discharge, the Board requested the AO at enclosure (2) for consideration. The AO stated in pertinent part:

Petitioner's record is sparse, however there is evidence that the Petitioner was diagnosed with Major Depressive Disorder with suicidal ideation and gestures. Prior to his UA, his fitness reports were positive. It is unfortunate that the Petitioner went on extended UA and was discharged in absentia; however, it is

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possible that given his significant stressors with depression and SI, he opted to go UA as a means of coping with/fleeing from his problems.

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

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. The Board reviewed his application under the guidance provided in references (b) through (e) intended to be covered by this policy.

The Board noted Petitioner's repeated UA periods and does not condone his absences. However, the Board concurred with the AO that Petitioner, having experienced significant in-service stressors and having been diagnosed with MDD, may have absented himself without authority as a means of coping with or fleeing from his problems at the time. His record of service and enlisted performance evaluations were, prior to that significant break in behavior, reflective of Honorable service and average to above-average performance and conduct. His was described as a performer that had a positive attitude and was teamwork minded, talented, dependable, conscientious, and aggressively pursuing shipboard qualifications. Although the Board found no error or injustice in his conviction by SPCM for his three Article 86 offenses, or in his punitive discharge at the time it was adjudged, in light of his overall record of otherwise satisfactory service and applying liberal consideration to his contended in-service mental health condition, the Board concluded that the favorable factors sufficiently outweighed the severity of his periods of UA to mitigate the overall severity of his offenses. Accordingly, the Board determined that it is in the interest of justice to upgrade Petitioner's characterization of service to General (Under Honorable Conditions) and change his narrative reason for separation, separation authority, and separate code to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record, even under the liberal consideration standards for mental health conditions, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Further, the Board determined Petitioner's assigned reentry code remains appropriate in light of his record of misconduct and unsuitability for further military service. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

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RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 23 June 2006, he was discharged with a "General (Under Honorable Conditions)" characterization of service, separation authority of "MILPERSMAN 1900-164," narrative reason for separation of "Secretarial Authority," and separation code of "JFF."

That Navy Personnel Command review Petitioner's record to determine his entitlement to awards, with specific attention to those addressed in paragraph 3.f above, and annotate those changes, as required, on the new DD Form 214.

That no further changes be made to Petitioner's record.

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

9/5/2025

