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

[redacted]
Docket No. 2861-25
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.

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 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 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 the advisory opinion (AO) furnished by a 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 10 August 1988. Your pre-enlistment physical examination, on 28 July 1988, and self-reported medical history both noted no psychiatric or neurologic conditions, symptoms, history, or counseling. Your overseas screening self-reported medical history, dated 21 November 1988, noted no psychiatric or neurologic conditions, symptoms, history, or counseling.

On 29 November 1988, you completed initial recruit training. However, on 21 December 1988, you commenced a period of unauthorized absence (UA) when you failed to comply with your standard transfer orders directing you to report to the [redacted] command/squadron at [redacted]. Your gaining command declared you to be a deserter on 20 January 1989. Your UA terminated, after approximately 995 days, with your arrest by civilian authorities in [redacted] on or about 12 September 1991.

Following your return to military control, on 26 September 1991, you submitted a voluntary written request for an administrative discharge for the good of the service to avoid trial by court-martial for your long-term UA. As a result of this course of action, you were spared the stigma of a court-martial conviction for your UA, as well as the potential sentence of confinement and the negative ramifications of receiving a likely punitive discharge from a Military Judge. Prior to submitting this voluntary discharge request, you conferred with a qualified military lawyer, at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. You admitted you were guilty of committing your long-term UA offense as charged. You acknowledged that if your request was approved, the characterization of service of under Other Than Honorable conditions (OTH) was authorized. You acknowledged and understood that with an OTH discharge you may be deprived of virtually all veterans benefits based on your current period of service, and that you may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of the discharge therein may have a bearing.

In the interim, your separation physical examination and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, history, or counseling. You again stated you were "In Excellent Health," on your medical history form[1]. Ultimately, on 17 October 1991, you were separated from the Navy in lieu of a trial by court-martial with an OTH 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 Hagel, Kurta, and Wilkie Memos. These included, but were not limited to, your desire for a discharge upgrade and changes to your reason for separation, separation code, and reentry code. You contend that: (a) at the time of your military service, you were struggling with undiagnosed and untreated bipolar disorder, (b) you believe your mental health condition contributed to the reason why you were separated, and (c) post-service you have no criminal convictions, you successfully completed a Master's Degree program, have maintained steady employment, and participated in several veteran's organizations. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and 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 16 July 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

[1] The Board noted that you also stated you were "In Excellent Health" on your Report of Medical History for your overseas screening on 21 November 1988.

> In November 1988, he denied mental health symptoms during his overseas screening physical.
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> From December 1988 to September 1991, he was on unauthorized absence (UA). Upon his return, he requested administrative separation, noting, "I did not particularly like the Navy…This is also why I went UA and that I was homesick [*sic*]."…He denied mental health symptoms during his separation physical.
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> Petitioner submitted a November 2024 letter of treatment from a civilian psychiatrist and evidence of treatment for Bipolar II Disorder, Generalized Anxiety Disorder, and Attention Deficit Hyperactivity Disorder since 2016. He provided medical evidence of a diagnosis of Bipolar Disorder, from August 2015.
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> There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Temporally remote to his military service, he has been diagnosed with a mental health condition that may have been present during military service. However, it is difficult to attribute chronic and extended UA to a mental health condition, particularly given repeated denials of mental health symptoms in service.

The Ph.D. concluded, "There is some post-service evidence from a civilian provider of a mental health condition that may have been present during military service. 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 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 pointed out in the AO, you repeatedly denied any mental health symptoms and reported you were in "Excellent Health" at the commencement of your enlistment and as you were being discharged. As a result, the Board concluded that your misconduct was not due to mental health-related conditions or symptoms. Additionally, 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 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 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 Board determined that characterization under 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 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 995 days.

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,

12/3/2025

[redacted]