



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

Docket No. 3072-25
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 8 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). 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 Marine Corps and commenced active duty on 18 September 2001. On 21 May 2002, you were issued an administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct; specifically, underage drinking. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 12 August 2002, you received Page 11 counseling for substandard academic performance. You were disenrolled from Aviation Radio Repair Course and reclassified to military occupational specialty (MOS) 0612, Field Wireman.

On 10 September 2002, you received non-judicial punishment (NJP) for underage drinking. On 17 December 2002, you received a formal counseling letter for underage drinking, unauthorized alcohol in the barracks, and disrespect toward the duty non-commissioned officer and were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

You deployed in support of Operation Iraqi Freedom from March 2003 to May 2003. You earned the Combat Action Ribbon.

You received in-patient Substance Abuse Rehabilitation treatment from 27 January 2004 to 24 February 2004 and were placed in an aftercare program upon discharge. On 14 July 2004, you received NJP for unauthorized absence (UA). On 27 July 2004, you received NJP for operating a vehicle without a valid license and operating a privately owned vehicle while drunk. On 28 July 2004, you were referred to medical and disclosed that you started to drink alcohol a couple of weeks after treatment, did not attend AA meetings, and did not seek a sponsor. You were diagnosed as alcohol dependent, not in remission.

On 9 September 2004, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to pattern of misconduct. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board. On 23 September 2004, you were evaluated by a medical professional as alcohol dependent, not in remission, and recommended for discharge as an aftercare failure. Your commanding officer recommended an OTH characterization of service; however, the separation authority directed your discharge with a General (Under Honorable Conditions) (GEN) characterization of service. You were so discharged on 1 December 2004.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade and contended that the drinking culture in your unit and your subsequent alcohol abuse were mitigating factors in your misconduct. The NDRB denied your request, on 1 March 2013, based on their determination that your discharge was proper as issued.

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 change your discharge characterization of service and your contentions that you incurred PTSD during your deployment, you used alcohol as a coping mechanism, and were separated early due to your alcohol abuse. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, your statement, substance abuse treatment certificates, a skills training certificate, your Department of Veterans Affairs (VA) decision letter, and your VA progress notes that indicate you deployed in support of Operation Iraqi Freedom (OIF) from March 2003 to May 2003.

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 17 July 2025. The AO stated in pertinent part:

Petitioner contends he incurred Post Traumatic Stress Disorder (PTSD) during military service, which may have contributed to the circumstances of his separation.

Petitioner has been granted service connection for PTSD. He submitted excerpted Department of Veterans Affairs (VA) medical records from November 2005 in which he reported he served “in OIF from 3/03 to 5/03. He...stated he “saw a lot of dead bodies” and engaged in combat...He drank to numb out memories and emotions related to experiences in Iraq.”

During military service, the Petitioner was evaluated and diagnosed with alcohol use disorder, for which he received unsuccessful treatment. Post-service, he has received service connection for PTSD attributed to military combat exposure. While it is plausible that problematic alcohol behavior may have worsened following combat, it is difficult to attribute his misconduct solely to self-medication and avoidance related to PTSD, given problematic alcohol use prior to his deployment.

The AO concluded, “There is post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence that his in-service misconduct may be attributed solely to 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 NJPs, 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.

Additionally, the Board concurred with the AO and determined that while there is post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service, there is insufficient evidence that your in-service misconduct may be attributed solely to PTSD, given your pre-deployment misconduct. As explained in the AO, it is difficult to attribute your misconduct solely to self-medication and avoidance related to PTSD, given your problematic alcohol use prior to your deployment. Therefore, the Board 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.

Finally, the Board believed you were already granted a measure of clemency when the separation authority disapproved an OTH characterization recommended by your chain of command and assigned you a GEN characterization of service. Since your record was replete with misconduct documented by NJPs and counselings, the Board determined the separation authority already took into consideration your combat deployment and any potential negative effects it may have had on your conduct.

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,

9/23/2025

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Executive Director

Signed by: ■