



conduct may result in disciplinary action and in processing for administrative discharge. On 5 September 2001, you received Page 11 counseling for severe lack of professionalism, leadership abilities, and contempt for authority. You were again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 28 December 2001, you received non-judicial punishment (NJP) for underage drinking.

You deployed in support of Operation Enduring Freedom/Iraqi Freedom (OEF/OIF) from 23 January 2003 to 19 June 2003 during which you earned the Combat Action Ribbon. On 24 July 2003, you were issued Page 11 counseling concerning deficiencies in your performance and/or conduct, specifically for pushing another Marine and receiving driving violation on base. 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 28 May 2004, you pleaded guilty at a Special Court Martial (SPCM) to unauthorized absence (UA) and wrongful use of marijuana. You were sentenced to reduction in rank to E-1, forfeitures, confinement, and a Bad Conduct Discharge (BCD). You were released from confinement and commenced appellate leave on 19 July 2004. Subsequently, the findings and sentence in your SPCM were affirmed and you were issued a BCD on 6 March 2006.

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 contention that your misconduct was mitigated by PTSD you incurred in combat in Iraq and that several others were present during your misconduct who were allowed to remain in service. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, your personal statement, the advocacy letters, and the Department of Veterans Affairs (VA) PTSD disability benefits questionnaire (DBQ) you provided.

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) from military combat exposure, which may have contributed to the circumstances of his separation.

Petitioner submitted a September 2013 Disability Benefits Questionnaire (DBQ) listing diagnoses of PTSD, Major Depression, severe, recurrent without psychotic features, and Alcohol Dependence. The DBQ noted that the Petitioner "deployed to Iraq...Honorably discharged...Exposed to a lot of death. Saw many Iraq civilian deceased...Became estranged from family while in service. Did not write or have any contact with them. Depression began to emerge...Self medicated with Alcohol." He provided evidence of character and post-service accomplishment.

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. Throughout his disciplinary processing, there were no concerns raised of a mental health condition that would have warranted a referral for evaluation. He has received diagnoses of PTSD and other mental health concerns from a VA-affiliated psychiatrist that are attributed to military service. Unfortunately, there are some inconsistencies with his report during the DBQ and his service record that raise doubt regarding his candor or the reliability of his recall over time. While it is plausible that he may have incurred PTSD from combat exposure, it is difficult to attribute his misconduct to PTSD from combat, given pre-deployment disobedience and problematic alcohol use that appears to have continued post-deployment.

The AO concluded, “There is some post-service evidence from the VA of diagnoses of PTSD and other mental health conditions that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to PTSD or another mental health condition.”

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 and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved a drug offense. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board also 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 OTH 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. Further, the Board also noted you provided no evidence, other than your statement, to substantiate your contention of others receiving more lenient consequences for the same misconduct.

Finally, the Board concurred with the AO and determined that, while there is some post-service evidence from the VA of diagnoses of PTSD and other mental health conditions that may be attributed to military service, there is insufficient evidence that your misconduct may be attributed to PTSD or another mental health condition. As the AO indicated, your pre-deployment problematic alcohol use and misconduct appears to have continued post-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. Moreover, 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 serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

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,

9/9/2025

