



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 3535-25
1413-24
8002-22
1891-19
9182-15
3152-14

Ref: Signature Date

██████████
██████████
██████████
██████████

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 16 January 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 the 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 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (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) of a qualified mental health provider and your response to the AO.

You have now previously applied to the Board on four occasions. The summary of your service beginning on 2 January 1990 and ending with your other than honorable (OTH) discharge for commission of a serious offense on 23 October 1992 remains substantially unchanged from that addressed in the previous responses to your multiple requests for review, as does the summary of all but your most recent previous request. To that extent, you previously contended that you

suffered a material injustice because a discretionary error was made by the Navy by discharging you with an OTH characterization of service despite the existence of various mental health conditions. You previously submitted an October 2019 Disability Benefits Questionnaire (DBQ) in which you elaborated on your operational service as a Navy air traffic controller during the ██████████ War regarding your claims of exposure to situations involving actual or threatened death.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct. While the Board carefully considered your contention for mitigation, the Board noted you did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and were properly separated for misconduct with an OTH characterization of service.

Because you again contend that PTSD or another mental health condition affected your discharge, the Board considered a new AO. The AO stated in pertinent part:

During military service, the Petitioner was appropriately evaluated on multiple occasions. He was repeatedly diagnosed with various Alcohol Use Disorders. Temporally remote to his military service, VA and civilian providers have diagnosed PTSD attributed experiences from service. Unfortunately, there are inconsistencies in his record that raise doubt regarding the reliability of his recall. Currently, the Petitioner claims that his attempts to seek treatment for problematic alcohol use were rebuffed in service. However, he repeatedly denied symptoms of alcohol dependence during many of his in-service evaluations and was dismissed from treatment due to continued alcohol use. It is also difficult to attribute his problematic alcohol use to military service, given his pre-service problematic alcohol behavior that continued in service. More weight has been placed upon his pre-service history and in-service statements regarding his misconduct over post-service retrospective evidence provided to civilian and VA clinicians.

The AO concluded, "There is post-service evidence from VA and civilian providers of a diagnosis of PTSD that may be attributed to military service. Based on a review of all available evidence, it is my considered clinical opinion that there is insufficient evidence to attribute his misconduct to PTSD or another mental health condition, other than alcohol use disorder."

In response to the AO, you provided additional evidence in support of your application. After reviewing your rebuttal evidence, the AO remained unchanged.

The Board applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and your post-service medical evidence. However, even applying liberal consideration, the Board found

insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and recognized the same concerns raised in the AO. The Board agreed with the AO's analysis that your service conduct appears to be a continuation of problematic pre-service alcohol behavior and found your in-service statements to be more probative than your post-service medical evidence. 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.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your conduct in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of your service, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your mental health conditions and other service connected disability conditions, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of your misconduct far outweighed all of the mitigating factors combined. In particular, the Board 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, despite your current claims that your attempts to seek in-service treatment were rebuffed, your service records reflect that you repeatedly denied alcohol dependency despite numerous in-service evaluations. Furthermore, when you were treated, you were dismissed from the treatment program due to continued use. Therefore, the Board was not persuaded by this argument.

The Board also considered your contention that you continue to be punished with your discharge characterization of service. The Board was not persuaded by this injustice argument. Characterizations of service is the formal way the Navy summarizes the quality of a service member's conduct and performance during a period of enlistment. It serves several important purposes such as eligibility for benefits, providing an official assessment of a member's conduct, and providing civilian entities a guide in evaluating potential employment of former service members. One purpose it does not serve is punishment. While the Board acknowledges that a less than Honorable characterization of service may have negative consequences, they concluded this is simply a natural consequence of a service member failing to meet the standards required for an Honorable characterization of service. In their view, the characterization of service is not an action taken to penalize you but rather an administrative summary and an accurate reflection of your service record. Ultimately, the Board concluded no injustice exists after weighing the Department of the Navy's interest in protecting the credibility of its personnel system, along with maintaining fairness to other service members who completed their service without misconduct, against the negative effects you continue to endure due to your less than honorable characterization of service. The Board believed that it would be unjust to characterize your less

than honorable service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. In their opinion, it would also create an unwarranted and inaccurate assessment of your period of service that could potentially undermine the integrity of the Navy's personnel system. Therefore, the Board did not find an upgrade of your discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. Based on the same rationale, the Board also found no basis to change your reason for separation.

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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

2/18/2026

