



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

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Docket No. 3592-25
Ref: Signature Date

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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 15 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 and your response to the AO.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and commenced active duty on 4 March 1987. On 6 November 1989, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct due to an alcohol abuse incident. 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 21 December 1989, you commenced a period of

unauthorized absence (UA) that ended on 24 December 1989. On 18 January 1990, you received non-judicial punishment (NJP) for the three-day UA. On 23 February 1990, you received NJP for two specifications of failure to obey a lawful order. On 6 April 1990, you received Page 13 counseling concerning continued UA periods and were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 23 April 1990, you commenced a period of UA that ended in your surrender on 1 July 1990. On 9 August 1990, you were convicted at Special Court Martial (SPCM) of the 68-day UA and wrongful use of amphetamine/methamphetamine. You were sentenced to reduction in rank to E-1, forfeitures, confinement, and a Bad Conduct Discharge (BCD). Subsequently, the findings and sentence in your SPCM were affirmed, and you were issued a BCD on 25 July 1994.

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, to correct your name, date of discharge, and UA date correction. You contend that PTSD mitigates your UA and that you self-medicated with marijuana. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and DD Form 293, your statement, and the psychiatric evaluation and letters from a Licensed Clinical Social Worker 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 23 July 2025. The AO stated in pertinent part:

Petitioner contends he incurred mental health issues (PTSD) during military service, which may have contributed to the circumstances of his separation.

In March 1994, record shows hospital admission with diagnoses of "Methamphetamine Abuse, history of cocaine abuse, history of alcohol abuse, life circumstance problem, Adjustment Disorder with Depressed Mood, and Amphetamine induced delusional disorder, resolved."

Record notes additional hospitalization at █ in 1996 (18 days) for complaints of "hallucinations" and polysubstance abuse/dependence. Possible diagnoses were Persistent Psychotic Disorder vs. Psychotic Disorder NOS [not otherwise specified], R/O [rule-out] Schizoaffective Disorder vs. Major Depression, Drug-induced psychosis, Cocaine Dependence and Amphetamine Dependence.

Petitioner submitted the following items in support of his claim:

- Psychological Evaluation (July 2024) noting diagnoses of PTSD, Persistent Depressive Disorder, Obsessive Compulsive Disorder, and Generalized Anxiety Disorder

- Opinion letter from social worker (May 2024)

There is evidence that the Petitioner was diagnosed with Amphetamine Abuse, Drug-induced psychosis, and Adjustment Disorder with Depressed Mood while in service. There are postservice medical records contained within his service file that note ongoing problems with a variety of controlled substances and difficulties by providers homing in on accurate diagnoses. It is possible that he suffered from a mood disorder, psychotic disorder, substance-induced mood disorder, substance-induced psychosis, or a combination thereof.

He submitted one post-service psychological evaluation noting diagnoses of PTSD, Generalized Anxiety Disorder, Persistent Depressive Disorder and Obsessive Compulsive Disorder. The psychological evaluation mentions a number of post-service life stressors, and so it is unclear as to what diagnoses, if any can be linked to his active duty time in service.

The AO concluded, “it is my clinical opinion that there is sufficient evidence substance abuse/dependence while in service. There is sufficient evidence of a number of mental health conditions that are temporally remote to service. There is insufficient evidence to attribute his misconduct to a mental health condition (PTSD).”

In response to the AO, you provided a letter from a license clinical social worker that supplied additional clarification of the circumstances of your case. After reviewing your rebuttal evidence, the AO remained unchanged.

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 and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included 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 considered the likely negative impact your repeated misconduct and extended UA had on the good order and discipline of your command.

Further, 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 insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and the fact your medical evidence is temporally remote to your service. Additionally, 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. 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.

Finally, the Board noted you provided no evidence in support of your requests to change your name or the dates of your UA or discharge.

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,

11/17/2025

