



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

[REDACTED]
Docket No. 4047-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,
[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) USD Memo of 25 August 2017 (Kurta Memo)
(d) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to upgrade his characterization of service, change his reason for separation, and restore his paygrade to E-5.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 January 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include references (b) through (d). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider. Although Petitioner was provided an opportunity to respond to the AO, he chose not to do so.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to review the application on its merits.

c. The Petitioner originally enlisted in the U.S. Navy and began a period of active service on 28 December 1988. Petitioner's pre-enlistment physical examination, on 12 October 1988, and self-reported medical history both noted no psychiatric or neurologic conditions of

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED] USN,
[REDACTED]

symptoms. After a period of continuous Honorable service, Petitioner immediately reenlisted for six (6) years on 31 October 1991.

d. On 13 January 1992, Petitioner reported for shore duty with the Office of the Chief of Naval Operations (OPNAV) Services and Security Division. On 7 December 1993, Petitioner failed the "sit/reach" portion of the Physical Readiness Test (PRT).

e. Petitioner received a Navy Achievement Medal (NAM) end of tour award in January 1995 for professional achievement in the performance of his duties as the [REDACTED]

[REDACTED]
[REDACTED] in the [REDACTED] office.

f. On 15 February 1995, Petitioner reported for duty on board the [REDACTED]. On 22 February 1995, Petitioner received non-judicial punishment (NJP) for wrongfully communicating a threat to a superior commissioned officer on board the [REDACTED] on 20 February 1995. Petitioner received the maximum permitted punishment at NJP and did not appeal his NJP.

g. On 22 February 1995, Petitioner's command withdrew his recommendation for advancement and retention due to substandard performance.

h. On 8 March 1995 Petitioner underwent a psychiatric/medical evaluation on board the [REDACTED]. The examining Medical Officer determined, in part:

His past medical history is consistent with the more pervasive pattern of a personality disorder. The major decisions in his life have been made in a dependent fashion. This behavior pattern is not likely to change. His pattern is that of Dependent Personality Disorder. It is my opinion that this is his primary diagnosis. It has become severe, such that he is unsuitable for continued Naval service. Separation processing is appropriate...[Petitioner] is not suicidal. He should continue to be responsible for his actions.

i. On 9 March 1995, Petitioner's command initiated administrative separation proceedings by reason of: (1) misconduct due to the commission of a serious offense, and (2) convenience of the government on the basis of a diagnosed personality disorder. Petitioner waived his rights in writing to consult with counsel, to submit written statements on his own behalf, and to request an administrative separation board. Petitioner expressly stated that he did not object to his separation.

j. On 25 March 1995, Petitioner's commanding officer (CO) recommended to the Separation Authority that he should receive an under other than honorable conditions (OTH) discharge characterization. In the recommendation, Petitioner's CO stated, in pertinent part:

Concur with medical evaluation. [Petitioner's] performance on board has been unsatisfactory. His unwillingness or inability to perform even the least difficult military or professional tasks have been a significant disappointment. Although

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED] USN,
[REDACTED]

medical evaluation states that he is not suicidal, [Petitioner] has indicated he would harm himself as well as others (threatened harm to ship's Chaplain during counseling session) if he remained on ship.

[REDACTED] is currently deployed to the [REDACTED]. [Petitioner's] demeanor since reporting onboard has resulted in more than one occasion of his assignment to the medical ward with a 24 hour watch. His inability or unwillingness to perform a days work in his rate while threatening harm to himself and others has made him totally unsuitable for service aboard this ship or in the U.S. Navy.

He has received extensive counseling including CO, XO, CMC, Ship's Doctor, Ship's Chaplain, Div LPO, etc. to no avail. The manifestations of his personality disorder make him disruptive to the ship and untrustworthy in a position as sensitive as the Ship's office. He simply cannot be trusted. He has become an administrative burden to the command and I recommend that he be discharged as soon as possible with characterization of service of Other Than Honorable.

k. Ultimately, on 14 April 1995, Petitioner was discharged from the Navy for misconduct with an OTH characterization of service, and assigned an RE-4 reentry code. He was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate his period of continuous Honorable service from 28 December 1988 to 30 October 1991.

l. On 1 October 2014, the BCNR denied Petitioner's application on statute of limitations grounds for not being timely filed.

m. In short, Petitioner contended he served in the Persian Gulf War and developed PTSD but it was not diagnosed during his enlistments. He further contended, in part: (1) he asked for help when he reported onboard the [REDACTED] because he was having PTSD symptoms that were getting worse, but also he was not diagnosed at that time, (2) he was a 4.0 sailor throughout his military career before this happened, (3) in his early career, he struck out of the Deck Department and became a Yeoman with a promising military career, (4) due to developing PTSD during his first enlistment he has been awarded 100% VA disability compensation due to his disabilities of PTSD and Major Depression, and (5) he is requesting liberal consideration because the Navy did not recognize and diagnose that he was suffering from PTSD while serving on the [REDACTED].

n. A licensed clinical psychologist (Ph.D.) reviewed Petitioner's contentions and the available records and issued an AO on 5 August 2025. As part of the Board's review, the Board considered the AO. The AO stated, in pertinent part:

Petitioner was evaluated during military service and diagnosed with a personality disorder and an adjustment disorder. These diagnoses were based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinician. Temporally remote to his military service, he has been granted service connection for PTSD. It is possible that symptoms identified as adjustment

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,
[REDACTED]

difficulties in service have been re-conceptualized as PTSD symptoms, with the passage of time and increased understanding. However, there is no evidence of error in the in-service personality disorder diagnosis. His misconduct appears to be consistent with his characterological defects sufficiently detailed to provide a nexus between any mental health condition and his misconduct.

The Ph.D. concluded, "it is my considered clinical opinion that there is post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence to attribute his misconduct to PTSD or another mental health condition, other than personality disorder."

CONCLUSION:

Upon review and liberal consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, the Board noted that the misconduct forming the basis of Petitioner's OTH discharge technically occurred during his second enlistment period. Thus, the Board concluded that an administrative change to Petitioner's DD Form 214 should be made to reflect that his previous enlistment was completed without any significant adverse disciplinary action. The Board was aware that the Department of the Navy no longer issues a separate DD Form 214 to enlisted personnel at the completion of each individual enlistment, and instead makes appropriate notations in the Block 18 Remarks section upon their final discharge or retirement from the armed forces reflecting such previous enlistments.

Notwithstanding the recommended corrective action below, the Board determined no further relief was warranted.

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

The Board also applied liberal consideration to Petitioner's claim that he suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which he was 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 Petitioner's post-service diagnosis from the Department of Veterans Affairs. However, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by a mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and agreed with the AO that Petitioner's conduct is consistent with his life-long characterological defects. Moreover, even if the Board assumed that Petitioner's misconduct

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED] USN,
[REDACTED]

was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of his serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

In addition to applying liberal consideration to Petitioner's claimed mental health condition and its potential effect upon his 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 Petitioner's service, Petitioner's relative youth and immaturity at the time of his misconduct, the negative effect Petitioner's discharge has had on his life, Petitioner's claims regarding lack of command support, Petitioner's VA disability rating, and the passage of time since his 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 Petitioner's misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct; which led to his OTH discharge. Petitioner's conduct was sufficiently pervasive and serious to negatively affect the good order and discipline of the command according to his commanding officer. Finally, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of Petitioner's discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. Nor did the Board find any basis to change Petitioner's reason for separation or reinstate his paygrade to E-5.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of material errors warranting the following corrective action.

That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215), for the period ending 14 April 1995, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE SERVICE FROM 28DEC1988 TO 30OCT1991."

Following the correction(s) to the DD-214 for the period ending 14 April 1995, that all other information currently listed on such DD-214 remain the same.

That a copy of this report of proceedings be filed in Petitioner's naval record.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,
[REDACTED]

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

2/17/2026

