



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

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Docket No. 4162-25  
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.

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 7 January 2026. The names and votes of the members of the panel 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. The Board also considered the 6 August 2025 advisory opinion (AO) furnished by a qualified mental health professional and your response to the AO.

The Board determined that a 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 previously applied to this Board for relief based on the same issues raised in your current application. On 5 October 2021, this Board denied all of your requests related to reinstating your paygrade to O-2, granting retroactive promotion to O-5 with retirement at 30 years, and awarding back pay and allowances. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

The Board carefully considered your statement and request to find that your service-connected mental illness possibly had an adverse effect on your judgment. You also request to be restored to the rank Lieutenant Junior Grade, effective 1 August 1987, and be advanced to the rank of Commander and retired. Additionally, you request payment of backpay and allowances. You

claim that you were diagnosed with Obsessive Compulsive Personality Disorder with anti-social behavior (Narcissism) and contend there was a basis to consider you for a medical discharge in 1985. While mentally ill, you were released to continue Naval Service over the next eight years. You also contend you were erroneously diagnosed as being alcoholic and the adult child of an alcoholic, and recommended for Level III treatment. In treatment, you were very ill from a mental health standpoint, and you were mentally unstable when you chose to end your 18-year career rather than continue Level III treatment. As evidence, you provided correspondence from the Office of Veterans Affairs (VA).

To assist in reviewing your petition, the Board obtained the AO. The AO stated in pertinent part:

Petitioner was evaluated on multiple occasions during military service. His diagnosis of an alcohol use disorder was 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. It was also based upon pre-service problematic alcohol use that appears to have continued in service. Although the Petitioner claims that this diagnosis was in error, there is behavioral evidence in the service record supporting the diagnosis. Temporally remote to his military service, VA providers have granted service connection for a personality disorder. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. Unfortunately, it is difficult to attribute his alcohol rehabilitation failure to a mental health condition, given his denial of an alcohol use disorder and claims of procedural error.

The AO concluded, “it is my considered clinical opinion that there is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence that the circumstances of his separation from service may be attributed to a mental health condition.”

In your response to the AO, you provided additional arguments in support of your application. Specifically, that you are not a rehabilitation failure but a naval officer who was not amenable to counseling or rehabilitation, and you left the hospital before the rehabilitation program was complete. Because you left the hospital, you were reduced in rank by five pay grades and denied promotions. For this reason, you were required to retire after 24 years. After reviewing your rebuttal evidence, the AO remained unchanged.

In its review of your request and all available evidence the Board affirmed its previous decision and focused primarily on your new contentions regarding your mental health. In reaching its decision, the Board observed that it is not an investigative body and relies on a presumption of regularity to support the official actions of public officers, in the absence of substantial evidence to the contrary, the Board will presume that they have properly discharged their official duties.

Concerning your claim of a connection between your mental health and alcohol rehabilitation failure, the Board substantially concurred with the AO and was unable to find sufficient evidence

to attribute your alcohol rehabilitation failure to your post-service mental health diagnosis. 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 your conduct that led to your retirement at the paygrade of CWO3. 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 conduct for which led to your retirement 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. 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.

Concerning your claim that you were mentally ill and thus medically unfit for continued service, the Board determined that your claim lacks merit. The Board noted that your available naval records do not contain, nor have you provided, any information that would suggest you were medically unfit for further service. The Board observed that, in order to qualify for military disability benefits through the Disability Evaluation System with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. The Board noted your 24 years of active-duty service, including over four years of service after you submitted your initial retirement request, culminated in retirement and an Honorable characterization of service. This demonstrated to the Board that you were, in fact, fit for service. The Board concluded that you provided insufficient evidence of any error or injustice in this regard.

Concerning your request for advancement and backpay, based on the findings above, the Board found no basis for your request to be advanced to the rank of Commander. Furthermore, the Board does not have the authority to correct a record to show an officer was appointed to a grade they did not actually attain through appointment by the President or Secretary of War.

The Board concluded that evidence that you provided was insufficient to overcome the presumption of regularity and found no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

1/21/2026

