



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

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Docket No. 4267-25
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 your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 6 February 2026. 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 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). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider. Although you were provided an opportunity to respond to the AO, you chose not to do so.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the U.S. Navy and began a period of active duty service on 9 November 1996. Your pre-enlistment physical examination, on 26 September 1996, and self-reported medical history both noted no psychiatric or neurologic issues, history, or symptoms. On 22 September 1997, you reported for duty at the █ in █, █.

2. On 5 February 1998, you received non-judicial punishment (NJP) for: (a) unauthorized absence (UA) and (b) drunk on duty. You did not appeal your NJP. On 6 February 1998, your alcohol dependency evaluation indicated that you were diagnosed with alcohol dependence and recommended attending Level II rehabilitation treatment.

3. On 20 April 1998, you reported for duty on board the ██████████ ██████████) in ██████████, ██████████.

4. On 16 December 1998, you received NJP for: (a) UA, (b) failing to obey a lawful order, and (c) provoking speech or gestures. You did not appeal your NJP.

5. On 5 October 1999, you received NJP for: (a) UA, (b) assault, (c) drunk and disorderly conduct, and (d) communicating a threat. You did not appeal your NJP.

6. On 8 May 2000, you commenced a period of UA that terminated on 9 May 2000. On 10 May 2000, you received NJP for multiple UAs. You did not appeal your NJP.

7. Following your fourth NJP, your command notified you that you were being processed for an administrative discharge by reason of misconduct due to a pattern of misconduct. Your command processed you using “notification procedures;” which meant you were not entitled to an administrative separation board but the least favorable discharge characterization you could receive was General (Under Honorable Conditions) (“GEN”).

8. Your separation physical examination, on 12 May 2000, and self-reported medical history both noted no psychiatric or neurologic issues, history, or symptoms. Ultimately, on 15 May 2000, you were separated from the Navy for a pattern of misconduct with a GEN discharge characterization and assigned an RE-4 reentry code.

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 a GEN characterization of service.

Because you raised the issue of mental health, the Board requested an AO. A licensed clinical psychologist (Ph.D.) reviewed your contentions and the available records and issued an AO on 7 August 2025. As part of the Board’s review, the Board considered the AO. The AO stated in pertinent part:

Petitioner was evaluated on multiple occasions during military service. He was diagnosed with an alcohol use disorder and another mental health condition. An adjustment disorder indicated mental health symptoms that typically resolve once

the stressor, such as military service, is removed. Temporally remote to his military service, the VA has granted service connection for PTSD. It is possible that mental health symptoms considered adjustment difficulties in service have been re-conceptualized as symptoms of PTSD with the passage of time and increased understanding. However, there are some inconsistencies with his report to his post-service providers and his service record that raise doubt regarding the reliability of his recall. Although it is possible to consider his problematic alcohol use as a behavioral indicator of undiagnosed PTSD, it is difficult to attribute his misconduct solely to mental health concerns, given the chronic nature of his misconduct in service and the length of time post-service prior to seeking mental health treatment.

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 that his misconduct may be attributed solely to PTSD or another mental health condition, such as alcohol use disorder.”

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 diagnosis from the Department of Veterans Affairs. However, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated solely 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 AO¹. 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 rehabilitation efforts, your post-service record of accomplishments, your service to your community, your mental health issues, the character references you provided for review, and the passage of time since your discharge.

¹ The Board determined that it was a factual impossibility for you to have witnessed the death of your diving instructor outside the main gate in April 1998 while you were purportedly hoisting colors. The Board noted the fatal accident occurred on ██████████ in ██████████, ██████████, which was nowhere near, and due south of, the ██████████ ██████████ entrance. Moreover, the fatal accident also occurred at approximately 6:20am local time, which is temporally remote in time from the usual and customary time of observing colors on a U.S. military installation at 8:00am local time.

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. 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 GEN 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 disagreed with your contention that your service met the standards for an Honorable discharge. The Board considered that characterization under GEN or under Other Than Honorable conditions (OTH) is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a Sailor. After reviewing your overall record and weighing it against your record of misconduct, the Board found that your service was a significant departure from expected conduct and determined you were fortunate not to have been processed for an OTH discharge. The Board found you already received a large measure of clemency when your command processed you with notification procedures, allowing you to receive a GEN discharge. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of your misconduct led them to conclude that your service was not Honorable. Finally, 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 Honorable to be warranted in the interests of justice.

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,

2/18/2026

