



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

█
Docket No. 4310-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
USN, █

Ref: (a) 10 U.S.C. 1552
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USD Memo of 25 Aug 17 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion dated 14 August 2025

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 discharge be upgraded. Enclosures (2) through (4) apply.

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 1 December 2025 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 (e). Additionally, the Board also considered enclosure (4), an advisory opinion (AO) prepared by a qualified mental health professional, and Petitioner's response to the AO.

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, the statute of limitation was waived in accordance with the Kurta Memo.

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c. Petitioner entered active duty with the Navy on 7 June 1993. After a period of continuous Honorable service, Petitioner immediately reenlisted and entered a second period of active duty on 15 September 1997. On 17 April 1998, he tested positive for marijuana. On 28 April 1998, he received non-judicial punishment for wrongful use of marijuana.

d. Unfortunately, all documents pertinent to Petitioner's administrative separation are not in his official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that he was separated from the Navy, on 13 October 1998, with an Other Than Honorable (OTH) characterization of service, narrative reason for separation of "Misconduct," separation code of "GKK," and reentry code of "RE-4." Petitioner's separation code is consistent with a drug abuse discharge.

e. Petitioner's previous period of continuous Honorable service from 7 June 1993 through 14 September 1997 is not documented on his DD Form 214.

f. Petitioner contends he incurred mental health concerns during military service, which might have mitigated his discharge characterization of service. As a result, enclosure (4) was requested from a mental health professional. The AO states in pertinent part:

There is no evidence that the Petitioner was diagnosed with a mental health condition in service or that he suffered from any symptoms incurred by a mental health condition. He submitted post-service evidence of a PTSD diagnosis where he informed his counselor that he "served during the operations (rescued and interceptions) between 1993 and 1995 providing supportive services." The notes also read, "Client reported that he served in several hostile areas and missions (e.g., Adriatic Sea Rescues)." However, client's administrative records indicate that he served as a SK3 – Storekeeper. Furthermore, he entered into service with counseling for failing to disclose pre-service drug use; thus, his candor may be questionable. Additional records (e.g., active duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) would aid in rendering an alternate opinion.

The AO concludes, "it is my clinical opinion there is insufficient evidence of a mental health condition that existed in service. There is insufficient evidence to attribute his misconduct to a mental health condition (PTSD)."

In response to the AO, Petitioner provided additional evidence in support of his application. After review of the rebuttal evidence, the AO remained unchanged.

h. Petitioner contends that he incurred mental health issues during military service due to experiencing a traumatizing event while serving during the Gulf War and self-medicated to deal with his mental health issues. He argues the Department of Veterans Affairs (VA) determined he was suffering from chronic PTSD and upgrading his discharge would allow him to receive

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assistance from the VA. For purposes of clemency and equity consideration, the Board considered the totality of his application; which included his DD Form 149 and the evidence he provided in support of it.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded Petitioner's request merits partial relief. As discussed, the Board noted that Petitioner's DD Form 214 does not document his previous period of continuous Honorable service and requires correction.

The Board was aware that 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.

Regarding Petitioner's request to upgrade his characterization of service, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with reference (b) though (e). These included, but were not limited to, Petitioner's desire to upgrade his discharge and his previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined Petitioner's misconduct, as evidenced by his NJP for drug abuse, outweighed the potential mitigating factors. In making this finding, the Board considered the seriousness of his misconduct and the fact it involved a drug related 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. Additionally, the Board noted that VA eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA eligibility determinations, disability ratings, and/or discharge classifications are not binding on the Department of the Navy and have no bearing on previous active duty service discharge characterizations. The Board also found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed his conduct was sufficiently serious to negatively affect the good order and discipline of his command.

The Board also concurred with the AO that is insufficient evidence to attribute Petitioner's misconduct to a mental health condition. The Board applied liberal consideration to his 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 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 that his medical evidence is temporally remote to his service. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which he was discharged was excused or mitigated by his mental health condition. In this regard, the Board simply had insufficient information available

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upon which to make such a conclusion. Therefore, the Board determined that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should not be held accountable for his actions.

As a result, the Board concluded Petitioner's conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. While the Board carefully considered the evidence he provided 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 him the relief he requested or granting additional relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence he provided was insufficient to outweigh the seriousness of his misconduct.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice 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 13 October 1998, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE SERVICE FROM [REDACTED] JUNE [REDACTED] TO [REDACTED] SEPTEMBER [REDACTED]."

That no further changes be made to Petitioner's record.

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

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.

12/30/2025

