



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

[REDACTED]
Docket No. 4428-25
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo, 3 Sep 14 (Hagel Memo)
(c) PDUSD Memo, 24 Feb 16 (Carson Memo)
(d) USD Memo, 25 Aug 17 (Kurta Memo)
(e) USECDEF Memo, 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 15 August 2025

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting that his discharge be upgraded to Honorable. Enclosures (1) through (4) apply.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 2 September 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 (d). Additionally, the Board considered enclosure (4), the advisory opinion (AO) from a qualified mental health professional, which was considered favorable toward Petitioner.
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 enlisted and commenced a period of active duty with the Navy on 15 August 1989. On 15 February 1990, he received non-judicial punishment (NJP) for unauthorized absence (UA) that lasted eight hours and 45 minutes. On 16 February 1990, he was disenrolled from the Nuclear Power Training Program after demonstrating unreliability. On 27 April 1990, he received NJP for being UA. On 6 July 1990, a special court-martial (SPCM) convicted him of being UA for 28 days, missing ship's movement, and breaking restriction. Consequently, Petitioner was notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and commission of a serious offense. After electing to waive his rights, Petitioner's commanding officer (CO) forwarded his package to the separation authority (SA) recommending he be discharged with an Other Than Honorable (OTH) characterization of service. The SA approved the CO's recommendation and Petitioner was so discharged on 9 August 1990.

d. In his application, Petitioner asserts that he incurred a mental health condition during military service due to undiagnosed mental health issues and he has been receiving care for a mental health crisis he suffered in January 2025. For the purpose of clemency and equity consideration, Petitioner provided evidence of post-service accomplishments, character reference letters, and lay/witness statements.

e. Based on Petitioner's assertion of having mental health issues, enclosure (4) was requested and reviewed. It stated in pertinent part:

There is evidence that the Petitioner was diagnosed with an Adjustment Disorder and Personality Disorder in service. However, he confessed to pre-service depression and SI during more than one psychological evaluation. He admitted to pre-service SI as a recruit, but then apparently minimized symptoms when evaluated in September 1989, as the author noted, "psychiatric history essentially negative." Then in future psychiatric evaluations, he admitted to depression and SI "three years ago," in May 1990, which would have been proximately two years prior to enlisting. Thus, the petitioner's candor is questionable.

He endorsed an extensive pre-service history of family mental health issues, alcohol abuse and SI. It is possible that he inherited a mental health condition and then minimized symptoms upon enlistment. The stressors of military life likely worsened his pre-existing condition of depression. His diagnosed Adjustment Disorder was more likely Major Depressive Disorder, Recurrent, Moderate – given his historical anecdote during several psychiatric evaluations, inpatient hospitalization, and noted "Adjustment Disorder unresolved." The petitioner also met criteria for a Personality Disorder, which is considered pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service. His in-service misconduct appears to be consistent with both a Personality Disorder and undiagnosed Major Depressive Disorder. 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 concluded, "it is my clinical opinion that there is sufficient evidence of a mental

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health condition that existed in service. There is sufficient evidence to attribute his misconduct to both a mental health condition (depression) and a Personality Disorder.”

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief.

The Board found no error in Petitioner's OTH characterization of service discharge for separation due to misconduct. However, because Petitioner based his claim for relief in whole or in part upon his PTSD, the Board reviewed his application in accordance with the guidance of references (b) through (e). Accordingly, the Board applied liberal consideration to Petitioner's claimed PTSD and the effect that it may have had upon his misconduct. In this regard, the Board agreed with the AO that there is sufficient evidence that his misconduct may be attributed to a mental health condition.

While the Board does not condone Petitioner's misconduct, the Board determined the mitigation of Petitioner's mental health condition was not outweighed by the severity of his misconduct. Therefore, after reviewing the record liberally and holistically, given the totality of the circumstances and purely as a matter of clemency, the Board determined Petitioner's characterization of service should be changed to General (Under Honorable Conditions).

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Further, the Board determined Petitioner's assigned reason for separation and reentry code remain appropriate in light of his extensive record of misconduct and unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 9 August 1990, indicating his characterization of service was “General (Under Honorable Conditions).”

That no further changes be made to the record.

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

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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 Regulation, 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.

9/16/2025

