



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

█  
Docket No. 4474-25  
Ref: Signature Date

█  
█  
█  
█  
█

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 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 8 April 2004. Your pre-enlistment physical examination, on 8 December 2003, and self-reported medical history both noted no psychiatric or neurologic issues, history, or symptoms. You expressly denied any alcohol abuse on your medical history form.

2. On 18 August 2004, you received non-judicial punishment (NJP) for failing to obey a lawful order or regulation (underage drinking). You did not appeal your NJP. On 25 August 2004, your command issued you a "Page 13" warning (Page 13) documenting your NJP. The Page 13 expressly warned you that any further deficiencies in performance and/or conduct may result in disciplinary action and in processing for administrative separation. You did not elect to submit a rebuttal statement.

3. On 7 September 2004, you reported for duty on board the ██████████ homeported in ██████████.

4. On 8 October 2004, you received NJP again for failing to obey a lawful general order. You received the maximum permitted punishment at NJP. You did not appeal your NJP.

5. On 21 April 2005, you received NJP for failing to obey a lawful general order. You did not appeal your NJP.

6. Following your third NJP, your command notified you of administrative separation proceedings by reason of: (a) misconduct due to a pattern of misconduct, (b) misconduct due to the commission of a serious offense, and (c) alcohol abuse rehabilitation failure. You waived your rights to consult with counsel, submit written rebuttal statements, and to request an administrative separation board.

7. In the interim, a Drug and Alcohol Incident Report, dated 28 April 2005, noted the following:

Member has committed four underage drinking incidents since joining the Navy. Diagnosed PREVENT after second incident. Attended prevent in October, 2004. Diagnosed as an abuser as per the DSM-IV-TR in November, 2004 after second incident. Completed ASAM Level 2.0 Intensive Outpatient Treatment for Alcohol Abuse on 23 December, 2004. Committed fourth offense on 15 April, 2005.

8. On 18 May 2005 your commanding officer (CO) recommended to the Separation Authority (SA) that you receive an under Other Than Honorable conditions (OTH) discharge characterization. Your CO stated, in pertinent part:

[SNM] exceed the requirements for administrative processing for Misconduct – Pattern of Misconduct, Misconduct – Commission of a Serious Offense, and Alcohol Rehabilitation Failure. [SNM] has shown a consistent determination to disregard the regulations regarding underage drinking and has conducted himself as he deems fit. Despite treatment, he has proven to be incapable of conforming to the most simple and basic military duties. Therefore, he does not have the potential for future honorable service, and I recommend that he be discharged under Other than Honorable Conditions, with a reenlistment code of RE-4.

9. On 19 May 2005, the SA approved and directed your discharge for misconduct with an

OTH characterization of service. Ultimately, on 15 June 2005, you were separated from the Navy for misconduct with an OTH 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 an OTH 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 19 August 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

Petitioner was evaluated and diagnosed with an alcohol use disorder during military service, for which he was provided treatment. Unfortunately, he has provided no medical evidence to support his claims of PTSD. His in-service misconduct appears to be consistent with his alcohol use disorder, rather than evidence of PTSD or another mental health condition, particularly given problematic alcohol use prior to the purported trauma that appears to have continued after the traumatic exposure.

The Ph.D. concluded, "it is my considered clinical opinion that there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence to attribute his misconduct to PTSD."

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 Memo. 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 you provided no medical evidence in support of your application. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged 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. 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 Memo, the Board also

