



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

██████████
Docket No. 4517-25
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 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 Board determined that your 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.

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. Marine Corps and began a period of active duty service on 23 July 1986. Your pre-enlistment physical examination, on 5 November 1985, and self-reported medical history both noted no psychiatric or neurologic issues, history, or symptoms.

2. On 4 May 1987, you received non-judicial punishment (NJP) for an unauthorized absence (UA). You did not appeal your NJP.
3. On 4 September 1987, you received NJP for: (a) UA, and (b) disobedience of a lawful order. You did not appeal your NJP.
4. On 6 October 1987 and again on 30 October 1987, your command informed you that you were not recommended for promotion due to your recent NJP.
5. On 30 November 1987, your command issued you a "Page 11" retention warning (Page 11) documenting you being counseled concerning your failure to complete Level II counseling, and also concerning the requirements to maintain your personal appearance. On 30 November 1987, your command informed you again that you were not recommended for promotion.
6. On 17 December 1987, you received NJP for the larceny of money from a fellow Marine. You did not appeal your NJP.
7. On 23 February 1988, your command issued you a Page 11 counseling you concerning your: (a) personal appearance, (b) grooming standards, (c) your attitude toward seniors, and (d) your inability to be at formation in a timely manner. The Page 11 advised you that a failure to take corrective action may result in administrative separation or judicial proceedings. You elected not to submit a rebuttal statement.
8. On 3 May 1988, your command issued you a Page 11 counseling you concerning your: (a) noncompliance with Marine Corps grooming standards, (b) habitual UAs, (c) theft, (d) inappropriate attitude toward superiors and orders issued therefrom, (e) an unwillingness to conform your conduct to UCMJ requirements, and (f) conduct generally unbecoming a Marine. The Page 11 advised you that a failure to take corrective action may result in NJP, trial by court-martial, and low proficiency/conduct markings. The Page 11 further advised you that any further deficiencies in performance and/or conduct may result in disciplinary action and in processing for administrative discharge. You did not submit a Page 11 rebuttal statement.
9. On 11 August 1988 you received NJP for the failure to obey an order or regulation. You did not appeal your NJP.
10. Following your fourth NJP, your command notified you of administrative separation proceedings by reason of misconduct due to a pattern of misconduct. In the interim, on 13 September 1988, your separation physical examination noted no psychiatric or neurologic issues, symptoms, history, or counseling. Ultimately, on 28 September 1988, you were separated from the Marine Corps for a pattern of misconduct with an under Other Than Honorable conditions (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 and arguments regarding your culpability for some of your misconduct, the Board was not willing to re-litigate well-settled facts that are no longer in dispute from an NJP occurring over thirty-eight (38) years ago. The Board noted that you did not submit convincing evidence to overcome the presumption of regularity, and the Board determined that best opportunity for you to have contested the NJP was through the NJP appeal process immediately following the “office hours” hearing.

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 dated 20 August 2025. As part of the Board’s review, the Board considered the AO. The AO stated 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 did not submit any medical evidence to support his claim of PTSD. Furthermore, his description of traumatic events do not meet criterion A as per DSM-V-TR guidelines.

The Ph.D. concluded, “it is my clinical opinion that there is insufficient evidence of a mental health condition (PTSD) that existed in service. There is insufficient evidence to attribute his misconduct to a mental health condition.”

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 claim. Furthermore, as explained in the AO, the traumatic events described by you do not meet the DSM criteria for a PTSD diagnosis. 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 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 post-service record of accomplishments, the character references you provided for review, and the passage of time since your discharge.

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. In particular, 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 OTH 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 found that your larceny from another Marine was the type of misconduct that would particularly harm the good order and discipline, along with the morale, of your unit. Additionally, 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 General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. Based on the same rationale, the Board found no basis to change your conduct marks or remove your larceny NJP from your record.

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Finally, the Board found insufficient evidence that you were the victim of a reprisal action in violation of 10 USC § 1034. 10 USC § 1034 provides the right to request Secretary of War review of cases with substantiated reprisal allegations where the Secretary of the Navy's follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with DoW policy you have the right to request review of the Secretary of the Navy's decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the Secretary of the Navy acted arbitrarily, capriciously, or contrary to law. This is not a de novo review and under 10 USC § 1034(c) the Secretary of War cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of War for Personnel and Readiness (USW(P&R)), Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your BCNR application and final decisional documents; and a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the BCNR; therefore, please also include previously presented documentation that supports your statements.

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

