



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

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Docket No. 4563-25
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 13 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 the advisory opinion (AO) furnished by a 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 15 September 1992. Your enlistment physical examination, on 20 July 1992, and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, history, or counseling. As part of your enlistment application, you disclosed pre-service marijuana and alcohol use on your medical history form.

2. On 19 February 1993, you commenced a period of unauthorized absence (UA). On 19 March 1993, your command declared you to be a deserter and dropped you from the rolls. Your UA terminated with your surrender to civilian authorities in █ on 21 April 1993 and your return to military authorities on 22 April 1992, a period of sixty-one (61) days.

3. On 6 May 1993 you submitted a voluntary written request for an administrative discharge for the good of the service to avoid trial by court-martial for your 61-day UA. Prior to submitting this voluntary discharge request, you conferred with a qualified military lawyer, at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. You admitted you were guilty of your UA as charged for purposes of submitting your request. You acknowledged that if your request was approved that an under other than honorable conditions (OTH) discharge characterization was authorized. As a result of this course of action, you were spared the stigma of a court-martial conviction for your offenses, as well as the potential sentence of confinement and the negative ramifications of likely receiving a punitive discharge.

4. On 11 May 1993, the Staff Judge Advocate to the Separation Authority (SA) determined that your discharge proceedings were legally and factually sufficient. On 11 May 1993, the SA approved your discharge request for the good of the service in lieu of trial by court-martial and directed an OTH discharge characterization. Your separation physical examination, on 21 May 1993, noted no psychiatric or neurologic issues, symptoms, history, or counseling. Ultimately, on 25 May 1993, you were separated from the Marine Corps in lieu of a trial by court-martial 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 no error exists with your OTH characterization of service.

However, 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 12 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 he was diagnosed with a mental health condition in military service, although the Petitioner noted his family stressors in service.

Temporally remote to his military service, the VA has granted service connection for a trauma-related mental health condition. There is no evidence of a diagnosis of PTSD or a traumatic precipitant that would meet diagnostic criteria for PTSD. However, it is possible that the strain of family stressors may have contributed mental health concerns and the Petitioner's decision to UA.

The Ph.D. concluded, "it is my considered clinical opinion that there is insufficient evidence of a diagnosis of PTSD. There is post-service evidence from the VA of a trauma-related mental health condition that may be attributed to military service. There is some in-service and post-service evidence that his misconduct may be attributed to a trauma-related 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 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. However, 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 and found your post-service medical evidence, even with liberal consideration, to be too temporally remote to be probative. 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, your contentions, 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 and post-service accomplishments, your contributions to your community, your mental health issues, your personal family issues that you contend affected your conduct at the time, 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 observed that character of military service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your overall active duty trait average calculated from your available performance evaluations during your enlistment was approximately 2.0 in conduct. Marine Corps regulations in place at the time of your discharge recommended a minimum trait average of 4.0 in conduct (proper military behavior), for a fully Honorable characterization of service. The Board concluded that your misconduct was not minor in nature and that your

conduct marks during your active duty career were a direct result of your misconduct, and that further justified your OTH characterization.

Additionally, the Board was not persuaded by your argument that, other than your period of UA, you were otherwise a good Marine. The Board considered that your total active duty service totaled approximately seven months before you commenced your period of UA that ended with your administrative separation. The Board found this relatively brief period of active duty insufficient to mitigate your extensive period of UA.

Further, the Board acknowledged that you may have been experiencing personal family issues at the time you decided to go UA. However, the Board found no evidence that you formally requested a hardship discharge. Therefore, the Board was not persuaded by your contention that an injustice occurred when you were not given a hardship discharge and concluded, as you stated in your legal brief, that you simply became overwhelmed with your situation and made a poor choice to leave your unit without authorization. The Board noted, notwithstanding your age at the time, you fully understood that your decision to go UA was wrong. The Board determined that your decision to commit misconduct should not now be mitigated when you fully understood the consequences of your actions and made an informed decision to do so regardless.

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. 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. While the Board commends you for your post-service accomplishments, ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct.

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,

2/22/2026

