



You deployed in support of █ and █ from 29 November 1990 to 14 April 1991. On 16 September 1991, you were issued an administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct; specifically, unauthorized absence (UA). You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 3 November 1992, you were issued Page 11 counseling for disrespect toward your Battalion Commander and a bad attitude with respect to grooming standards and toward non-commissioned and commissioned officers. On 3 December 1992, you received non-judicial punishment (NJP) for violating a lawful order. On 7 January 1993, you received Page 11 counseling for UA and violating a lawful order. On 2 March 1993, you received Page 11 counseling for an unsatisfactory uniform and poor personal appearance and were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 15 June 1993, you received NJP for UA and belligerent and disrespectful language toward a Corporal. On 30 June 1993, you were issued Page 11 counseling for a pattern of misconduct and advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 19 July 1993, you were issued Page 11 counseling for failure to seek help with your alcohol abuse and again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 8 August 1993, you were banned from the enlisted club due to an incident. On 23 August 1993, you were issued Page 11 counseling for two alcohol-related incidents in less than two months. On 24 August 1993, you were command-referred for a substance abuse evaluation, determined to be an alcohol abuser, and advised of available treatment options. On 5 November 1993, you received NJP for disrespect toward a Chief Petty Officer at the enlisted club and disorderly conduct toward a Chief Petty Officer.

Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to pattern of misconduct. You were advised of your rights, signed a statement acknowledging the purpose and procedures for making applications to this Board and the Naval Discharge Review Board (NDRB), and requested an administrative discharge board (ADB). The ADB convened and found that you had committed misconduct and recommended that you be discharged under OTH conditions. The separation authority concurred with the ADB and you were so discharged on 9 February 1994.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to change your discharge characterization of service and your contentions that your misconduct was due to PTSD from combat exposure. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, your statement, the advocacy letters, PTSD disability questionnaire, problem list, and VA letter you provided.

As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO on 21 August 2025. The AO stated in pertinent part:

Petitioner contends he incurred Post Traumatic Stress Disorder (PTSD) during military service, which may have contributed to the circumstances of his separation.

Petitioner contended he incurred PTSD from combat exposure during Operation Desert Shield/Storm. He submitted statements in support of his experience and evidence of character.

He provided a June 2021 Department of Veterans Affairs (VA) PTSD disability benefits questionnaire, which stated that the Petitioner worked as a Recon Sniper. The Petitioner clarified in his current statement that this was a misunderstanding by the clinician. He described traumatic precipitants during Operation Desert Storm when he witnessed the deaths of fellow Marines.

Petitioner submitted excerpted VA mental health records from December 2022 to February 2023 addressing treatment of PTSD.

Petitioner was appropriately evaluated during military service and diagnosed with an alcohol use disorder. There is no evidence that he was diagnosed with another mental health condition in military service. Temporally remote to his military service, VA providers have diagnosed him with and provided treatment for PTSD attributed to military service. It is possible that his disobedience and irritability could be considered behavioral indicators of symptoms of undiagnosed PTSD. However, given the chronic and extended nature of his misconduct and the lapse in time prior to the Petitioner experiencing symptoms of sufficient severity as to seek treatment, it is difficult to attribute his misconduct solely to mental health concerns.

The AO concluded, “it is my considered clinical opinion that there is some post-service evidence from VA providers of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence to attribute his misconduct solely to PTSD or another mental health condition, other than alcohol use disorder.”

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and multiple counselings, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and 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 concurred with the AO and determined that while there is some post-service evidence from VA providers of a diagnosis of PTSD that may be attributed to military service, there is insufficient evidence to attribute your misconduct solely to PTSD or another mental health condition, other than alcohol use disorder. 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 and Kurta Memos. 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. 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 recognized the same concerns raised in the AO. Therefore, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions. 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.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. While the Board carefully considered the evidence you submitted 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 you the relief you requested or granting relief as a matter of clemency or equity. 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,

1/14/2026

