



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

█
Docket No. 4982-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █, USN,
XXX-XX-█

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)
(c) USECDEF Memo of 25 Aug 17 (Kurta Memo)
(d) SECDEF Memo of 13 Sep 14 (Hagel Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion of 10 Sep 25

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting upgrade of his reentry code on his Certificate of Release or Discharge from Active Duty (DD Form 214). Petitioner also requested additional awards be listed on his DD Form 214. Enclosures (1) through (3) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 26 January 2026 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 also considered enclosure (4), an advisory opinion (AO) furnished by qualified mental health provider. Although Petitioner was afforded an opportunity to submit a rebuttal, Petitioner chose not to do so.

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 administrative remedies available for upgrading his reentry code under existing law and regulations within the Department of the Navy¹.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

¹ The Board determined Petitioner did not exhaust his administrative remedies regarding his requests for awards.

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c. Petitioner enlisted in the Navy and began a period of active service on 27 August 2004. After a period of continuous Honorable service, he immediately reenlisted and commenced another period of active duty on 10 August 2009.

d. Unfortunately, the documents pertinent to Petitioner's disciplinary proceedings and administrative separation are not in his official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on Petitioner's DD Form 214, he was separated, on 22 April 2010, with an "General (Under Honorable Conditions)" characterization of service, narrative reason for separation of "Misconduct (Serious Offense)," reentry code of "RE-4," and separation code of "JKQ;" which corresponds to misconduct – commission of a serious military or civilian offense (no board entitlement). His DD Form 214 does not annotate Petitioner's period of continuous Honorable service from 27 August 2004 to 9 August 2009.

e. Petitioner contends that he was found guilty of "violating Article 134" and that his misconduct was due to undiagnosed post traumatic stress disorder (PTSD). In support of his application, Petitioner submitted medical records and a decision letter from the Department of Veterans Affairs (VA).

f. As part of the Board's review, the Board considered enclosure (4). The AO states in pertinent part:

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

VA records listing mental health diagnoses of Adjustment Disorder with mixed emotional features, Recurrent Major Depression, Alcohol Dependence, entered in 2024. A diagnosis of PTSD was entered in April 2011. VA records show mental health treatment from March to April 2011 and October to December 2024, citing "PTSD nightmares related to traumatic events experienced during military stressors. Additionally, history of intermittent medication compliance may also be contributory... Psychosocial stressors includes [sic] a divorce from his second wife and custody battle..., concerns about his housing as well as recent eviction...due to extreme financial strain."

There is no evidence that the Petitioner received a diagnosis of PTSD or another mental health condition during military service. Temporally remote to his military service, the VA has provided treatment for PTSD and other mental health concerns that have been partially attributed to military service. Unfortunately, available records are limited. There is insufficient information regarding purported traumatic precipitants and the Petitioner's misconduct to attribute the circumstances of his separation from service to a mental health condition.

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The AO concluded, “it is my considered clinical opinion that there is some post-service evidence from the VA of diagnoses of PTSD and other mental health concerns that may be attributed to military service in part. There is insufficient evidence that the circumstances of his separation from service may be attributed to PTSD or another mental health condition.”

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner’s request warrants partial relief. Specifically, as discussed previously, the Board noted that Petitioner’s DD Form 214 does not include a statement of continuous Honorable service for his first enlistment and requires correction.

Notwithstanding the recommended corrective action below, the Board found no error or injustice in Petitioner’s GEN characterization of service or discharge for misconduct.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. While the Board carefully considered Petitioner’s contention for mitigation, the Board noted he did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that Petitioner committed the misconduct that formed the basis of his administrative separation and was properly separated for misconduct with a GEN characterization of service and assigned a RE-4 reentry code.

The Board also applied liberal consideration to Petitioner’s claim that he suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which his was 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 and Petitioner’s post-service medical evidence. However, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by his 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. Moreover, even if the Board assumed that Petitioner’s misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of his serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

In addition to applying liberal consideration to Petitioner’s claimed mental health condition and its potential effect upon his conduct in accordance with the Hagel and Kurta Memos, 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 Petitioner’s service, Petitioner’s relative youth and immaturity at the time of his misconduct, the negative effect Petitioner’s discharge has had on his life, Petitioner’s post-service record of accomplishments, his service connected disability conditions, and the passage of time since Petitioner’s discharge.

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The Board found that the mitigating factors were not nearly sufficient to justify any additional equitable relief. Specifically, the Board found that the severity of Petitioner's misconduct far outweighed all of the mitigating factors combined. While Petitioner's record did not contain his misconduct records, the Board observed it was of sufficient severity lower Petitioner's military bearing marks in his second enlistment to a level that disqualified him from a fully honorable characterization of service. This was sufficient evidence for the Board to determine Petitioner's reentry code remains appropriate despite his mitigation evidence.

Finally, regarding Petitioner's request for specific awards, the Board determined he has not exhausted his administrative remedies by requesting an awards review by Commander, Navy Personnel Command.

RECOMMENDATION:

That Petitioner be issued a correction to DD Form 214 (DD Form 215), for the period ending 22 April 2010, correcting Block 18, "Remarks" to indicate "CONTINUOUS HONORABLE ACTIVE SERVICE FROM 040827 UNTIL 090809."

That Navy Personnel Command conduct a review of Petitioner's record to determine whether Petitioner's DD Form 214 is missing any operations or awards and add to the DD Form 215 as appropriate.

That all other information from the DD Form 214 remains the same and no further changes be made to Petitioner's record.

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

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.

2/18/2026

