



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

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Docket No. 5219-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 15 December 2025. 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 the 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, applicable statutes, regulations, and policies, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)/mental health condition (MHC) (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). The Board also considered the advisory opinion (AO) furnished by a qualified mental health professional on 4 September 2025. Although you were afforded an opportunity to submit an AO rebuttal, you chose not to do so.

You enlisted in the Army and began a period of active duty on 1 July 1977. On 21 February 1978, you were discharged with a General (Under Honorable Conditions) (GEN) characterization of service by reason of motivational problems. You subsequently enlisted in the Navy with a waiver and began a period of active duty on 3 March 1978. On 2 June 1978, you received nonjudicial punishment (NJP) for five instances of unauthorized absence (UA), dereliction of duty, disobeying a lawful order, and violation of a general regulation. Consequently, you were notified of the initiation of administrative separation proceedings by reason of convenience of the

government due to failure to maintain required proficiency in rate, being an administrative burden, and marginal performance. After you waived your rights, your commanding officer recommended you be discharged with a GEN characterization of service. On 19 June 1978, you were so discharged with a GEN characterization by reason of convenience of the government.

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 for a discharge upgrade and contentions that: (a) you were an alcoholic with major depressive disorder, (b) the Navy knew you had issues with alcohol; however, you were not diagnosed with alcoholism or major depression, (c) you grew up with a father who was an alcoholic and was never around, (d) following your graduation from high school, you began hanging around with friends and ended up behind bars, (e) you decided to join the military with the intent to get away from bad choices, (f) you joined the Army and developed the bad habit of consuming alcohol and getting in trouble with military authorities, (g) while in the military, you were experiencing mental health issues that were not properly diagnosed or treated, (h) post discharge, you began struggling to the extent that you became a product of the incarceration pipeline, (i) you were able to graduate from high school and completed an associates degree while incarcerated, (j) you transitioned back to the civilian sector and remained employed for 15 years, got married, and raised two kids, (k) you are seeking an upgrade with the intent to apply for Department of Veterans Affairs (VA) benefits, and (l) you feel remorseful and apologize for your actions. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, copies of your doctor's letter, a personal statement, and a list of your current disabilities.

As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

There is evidence the Petitioner received a diagnosis of an alcohol use disorder during military service. There is no evidence that he was diagnosed with another mental health condition during his military service. He has provided evidence of serious mental illness that is temporally remote to his military service and appear unrelated. Unfortunately, it is difficult to attribute his alcohol use disorder to military service, given pre-service problematic alcohol use that appears to have continued in service. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "it is my considered clinical opinion that there is insufficient evidence of mental health concerns that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to mental health concerns, other than alcohol use disorder."

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP, 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. Further, the Board determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you with a GEN discharge characterization despite your extensive record of misconduct over a relatively brief period of service.

Additionally, the Board concurred with the AO that there is insufficient evidence that your misconduct could be attributed 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 and Kurta Memos. 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 your medical evidence is temporally remote to your service. 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 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.

Lastly, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities¹.

As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant a GEN characterization. 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 the 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

¹ Based on your two GEN discharges, the Board noted that you are likely eligible for treatment and compensation for any service connected disabilities as determined by the VA. While the VA has cognizance in determining eligibility for specific VA benefits, historically it has granted eligibility for service members discharged with a GEN characterization of service.

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

