



2. On 4 August 1992, you received non-judicial punishment (NJP) for nine specifications of uttering worthless checks to the Navy Exchange. You again received Page 13 counseling concerning deficiencies in your performance and/or conduct and were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

3. On 27 August 1992, you received NJP for five specifications of failure to obey a lawful order. Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to commission of a serious offense. You elected to consult with legal counsel and subsequently waived your rights to submit a statement or have your case heard by an administrative discharge board.

4. On 23 November 1992, you received NJP for unauthorized absence (UA). Ultimately, the separation authority directed your discharge with an OTH characterization of service and you were so discharged on 10 December 1992.

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 noted your assertion that you lack any memory of committing some of the misconduct, the Board noted you did not provide any evidence, other than your statement, to substantiate your contentions. Further, the Board considered that your first two NJPs occurred prior to your alleged memory loss and, while you later were subject to another NJP, those offenses were the catalyst for your administrative separation processing. As a result, the Board was not persuaded by your arguments. 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 were properly separated for misconduct with an OTH characterization of service.

Because you raised the issue of mental health, the Board requested an AO. 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 5 September 2005. The AO stated 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.

In January 1992, the petitioner was formally counseled regarding failure to disclose two pre-service arrests for petty theft. He was referred for a mental health evaluation after reporting a long history of childhood abuse and "feeling depressed for a long time." After evaluation, he received no formal mental health diagnosis. He described problems maintaining friendships due to being 'moody' and taking his anger out on his friends. SNR [service member] admitted to a history of legal

difficulties...[and] a past psychiatric history from ages 13-16 when he was in state custody...In spite of a chaotic and abusive childhood he now presents as a psychologically healthy young man who is psychologically fit for full duty.

The service medical record contains evidence of medical evaluation following exposure to electrical shock. The date of the encounter was not legible, but the Petitioner “denies any discomfort or problems...return clinic if needed.”

He endorsed symptoms of depression during his separation physical, but was found physically qualified for separation.

Petitioner contended he incurred PTSD from near-death experiences due to negligence and poor leadership.

The Petitioner submitted an undated letter from his civilian mental health provider describing treatment since October 2024 for symptoms of PTSD attributed to military experiences.

He provided a summary of mental health treatment from October 2024 to March 2025 addressing symptoms of PTSD, including “dissociative amnesia [which] prevents him from recalling...the specific event(s) that caused his military-related trauma.”

The Petitioner submitted a March 2025 letter from a civilian mental health provider noting a “history of anxiety and PTSD.”

Petitioner was appropriately referred for a mental health evaluation in service and properly evaluated. The absence of formal diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the military psychologist. Temporally remote to his military service, he has received a diagnosis of PTSD that is attributed to military service. It is possible that UA and disobedience could be considered behavioral indicators of irritability and avoidance associated with undiagnosed PTSD. However, it is difficult to attribute financial mismanagement to PTSD, as this is not a typical symptom of the disorder. While there is evidence in the service record of treatment for an electrical shock, it is difficult to reconcile the mild symptoms reported in the medical record with a potential amnesic reaction that would account for chronic financial mismanagement.

The AO concluded, “it is my considered clinical opinion that there is post-service evidence from a civilian mental health provider of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence that all of his misconduct may be attributed to PTSD.”

In response to the AO, you provided a personal statement that supplied additional clarification of

the circumstances of your case. After reviewing your rebuttal evidence, the AO remained unchanged.

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 and your post-service diagnosis for PTSD. 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 agreed with the AO that financial mismanagement is not typical behavior for PTSD. 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 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 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 mental health and other potential service connected disability issues, 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. Finally, while the Board considered your argument that you likely would have continue to serve in the military until you reached retirement eligibility, it 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 Department 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.

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,

2/18/2026

