



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

■
Docket No. 5623-25
Ref: Signature Date

Dear ■■■■■

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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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 26 January 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 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, 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).

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 Marine Corps and commenced active duty on 30 July 1979.
2. On 6 February 1980, you received non-judicial punishment (NJP) for disobeying a lawful order from a non-commissioned officer (NCO).

3. On 20 March 1980, you received NJP for unauthorized absence (UA) from your appointed place of duty.
4. On 6 May 1980, you were found guilty at Summary Court Martial (SCM) of willfully damaging government property and making a false official statement to military police with intent to deceive.
5. On 3 February 1981, you received NJP for UA from your appointed place of duty. On 6 February 1981, you were issued an administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct, specifically frequent involvement of a discreditable nature with military authorities. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.
6. On 21 April 1981, you received NJP for violating a lawful order issued by your commanding officer by having a female guest in your BEQ room.
7. On 1 May 1981, you received Page 11 counseling for UA. On 28 May 1981, you were recommended for expeditious discharge due to frequent involvement of a discreditable nature with military authorities. On 1 December 1981, due to your continued improvement since 28 May 1981, the recommendation for your discharge was rescinded.
8. On 14 April 1982, you transferred to ■■■■■ in ■■■■■ per your spousal colocation request.
9. On 7 May 1983, you were treated for an eye injury in the emergency room after a reported assault. You received surgery, on 1 June 1983, and were placed on convalescent leave until 7 July 1983. On 6 December 1983, a Medical Board was convened in your case. The Medical Board recommended six months of limited duty and you were placed in a non-deployable status to facilitate specialty care.
10. On 10 Apr 1984, you received NJP for wrongful use of marijuana. The same day, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to minor disciplinary infractions. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). The ADB found that you had committed misconduct and recommended that you be discharged under OTH conditions by reason of misconduct due to a pattern of minor disciplinary infractions. The separation authority concurred with the ADB, approved and directed an OTH discharge, and you were so discharged on 25 July 1984.
11. Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 8 June 1988, based on their determination that your discharge was proper as issued.

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 misconduct¹. 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.

The Board also applied liberal consideration to your claim that you suffered from Post-Traumatic Stress Disorder, 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 insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by 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, while the Board noted the 2024 letter you provided from the ■ Recovery Services Supervisor, the Board simply had insufficient information available upon which to make such a conclusion². 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, the totality of your service, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the circumstances you provided regarding your misconduct, the negative effect your discharge has had on your life, your rehabilitation efforts, your post-service record of accomplishments, your service to your community, the character references you provided for review, 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 determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. Further, the

¹ In your statement, you mention, “I later remember why that Urine Test was not liable and may be contested.” However, your arguments appear to be based on your contention that your actions should be mitigated due to head injuries that resulted in PTSD. Additionally, you did not deny your other offenses.

² The letter states you met the criteria for a PTSD but did not provide any additional information to would allow for a nexus determination to your military service.

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, 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.

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

