



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 5653-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 you did not file your application in a timely manner, the statute of limitations 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 13 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 this 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 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 an advisory opinion (AO) furnished by a qualified mental health professional on 13 November 2025. Although you were provided an opportunity to respond to the AO, you chose not to do so.

You enlisted in the Navy and commenced a period of active duty on 4 November 1992. On 12 May 1994, you received non-judicial punishment (NJP) for two specifications of dereliction of duties and 10 specifications of failure to pay just debts. On 25 May 1994, you received NJP for unauthorized absence (UA). On 10 October 1994, you commenced on a period of UA for nine days. On 16 November 1994, you commenced on a period of UA for two days. Subsequently, you received a psychiatric evaluation that diagnosed you with an adjustment disorder and personality disorder, and recommended your separation. Consequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and convenience of the government due to personality disorder. After you waived your rights, your commanding officer (CO) forwarded your package to the separation

authority (SA) recommending your discharge with an Other Than Honorable (OTH) characterization of service. The SA approved the CO's recommendation for the basis of misconduct and you were so discharged on 25 April 1995.

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 upgrade your discharge and contentions you incurred mental health conditions during military service, you were not provided or recommended for evaluations, and you thought you were receiving a medical discharge. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and the evidence you provided in support of it.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO. The AO stated in pertinent part:

There is evidence that the Petitioner was diagnosed with an Adjustment Disorder as well as a Personality Disorder while in service. An Adjustment Disorder is considered a reaction to an event that is deemed temporary in nature, and symptoms are expected to resolve when the activating stressor/s are removed. An Adjustment Disorder is different from a primary mental health condition in that it is most often considered an unhealthy response to a temporary stressor rather than an ongoing pervasive cluster of symptoms that exists in the absence of temporary stressors.

Per administrative records, Petitioner was appropriately referred for psychological evaluation during her enlistment and properly evaluated. Her in-service medical records are not available for review, and it is documented that she did not return them upon separation. Her personality disorder diagnosis was based on observed behaviors and performance during her period of service, the information she chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. She submitted two letters – one from a presumed treating psychiatrist and one from a psychiatric nurse practitioner noting diagnoses of and treatment for PTSD, Major Depressive Disorder, Generalized Anxiety Disorder and Bipolar Disorder; however, neither letter notes any nexus to in-service events. Her personal statement is not sufficiently detailed to ascertain connection between current mental health diagnoses and in-service misconduct. Additional records (e.g., active-duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to her separation) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is sufficient evidence of an Adjustment Disorder and Personality Disorder that existed in service. There is insufficient evidence to attribute her misconduct to a primary mental health condition."

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your NJPs, outweighed the potential 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 several 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. Therefore, after the application of the standards and principles contained in the Wilkie Memo, the Board found that your service fell well below the minimum standards for a General (Under Honorable Conditions) or Honorable characterization of service.

Further, the Board concurred with the AO that there is insufficient evidence to attribute your misconduct 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 did not show a nexus 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.

Finally, the Board also noted you provided no evidence, other than your statement, to substantiate your contention that you were not properly evaluated for your mental health conditions and believed you were being processed for medical reasons. Regardless, the Board noted that your record documents that you received a mental health evaluation while in service with the aforementioned diagnoses. Further, your record documents that you signed the notice of administrative separation on 6 February 1995. The notice of administrative separation states that you were being processed for both misconduct and your personality disorder. Therefore, the Board was not persuaded by either of these arguments.

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,

1/21/2026

