



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

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Docket No. 5973-25  
Ref: Signature Date

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Dear █

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 12 January 2026. The names and votes of the panel members will be furnished upon request. Your allegations of error or 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 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (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, and your response to the AO.

You previously applied to this Board for an upgrade to your characterization of service and were denied on 10 April 2023. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 an upgrade of your discharge and your contentions that you incurred PTSD and Traumatic Brain Injury (TBI) during military service. You also assert that you experienced significant personal stressors, including marital infidelity, and that these circumstances coincided with multiple subsequent deployments and contributed to or exacerbated your emotional distress. You further contend that your Bad Conduct Discharge (BCD) does not accurately reflect the overall circumstances of your service

and that the misconduct underlying your separation did not constitute willful and persistent misconduct as contemplated by applicable Department of Defense guidance. You maintained that the incidents at issue were isolated in nature and did not reflect a sustained or recurring pattern of misconduct. You additionally asserted that, following your discharge, you have demonstrated efforts towards rehabilitation and have engaged in activities intended to make positive contributions to society. For purposes of clemency and equity consideration, the Board considered the totality of your application, which included your DD Form 149 and the evidence you provided in support of it.

Based on your assertions that you incurred PTSD and TBI during military service, which may have contributed to the circumstances of your separation from service, a qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO on 29 September 2025. The AO stated in pertinent part:

During military service, the Petitioner was appropriately referred for psychological evaluation and properly evaluated. He was diagnosed with chronic PTSD, with an onset prior to his misconduct. This knowledge was available for consideration throughout the review of his separation process. It is possible that wrongful possession of alcohol could be considered as self-medication for symptoms of PTSD. Unfortunately, theft and wrongful trade or sale of weapons, armor, and ammunition are not behaviors typically indicative of symptoms of PTSD. Temporally remote to his military service, the Petitioner has received a diagnosis of TBI from the VA. Unfortunately, it is difficult to attribute the planning and organization required to steal, trade, or sell weapons and ammunition to a TBI.

The AO concluded, “it is my clinical opinion that there is in-service evidence and post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service. There is post-service evidence from the VA of TBI. There is insufficient evidence that the majority of his misconduct may be attributed to PTSD or TBI.”

In response to the AO, you submitted additional arguments in support of your application. Upon reviewing your rebuttal evidence, the AO remained unchanged.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your special court-martial (SPCM) conviction, outweighed these mitigating factors. The Board found that your conduct showed a complete disregard for military authority and regulations. Additionally, the Board disagreed with your assessment that a BCD does not accurately reflect your misconduct or is not the type of discharge designed to address misconduct such as yours. While the Board considered your period of continuous Honorable service, it also noted that, although one’s service is generally characterized at the time of discharge based on performance and conduct throughout the entire enlistment, the conduct or performance of duty reflected by only a single incident of misconduct may provide the underlying basis for discharge characterization. There is no precedent within this Board’s review, for minimizing the “one-time” isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. In your case, the Board found your significant misconduct involving the selling, trading, and

otherwise disposing of military weapons, ammunition, and equipment, while in a combat zone, all constituted serious misconduct and felonies that more than satisfied the requirements for a punitive discharge.

Additionally, the Board concurred with the AO that there is insufficient evidence that the majority of your misconduct may be attributed to PTSD from TBI. The Board applied liberal consideration to your claim that you suffered from a mental health condition and TBI, and to the effect that these conditions 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 and TBI that may be attributed to military service. This conclusion is supported by the AO. 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 recognized the same concerns raised in the AO. In particular, the Board agreed with the AO that the misconduct that formed the basis for your SPCM conviction and BCD are not behaviors typically indicative of symptoms of PTSD or TBI. 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.

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 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 is attached 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,

1/18/2026

