



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

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Docket No. 6003-25
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.

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 13 March 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 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) (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). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider and your AO rebuttal submission.

You previously applied to this Board for a discharge upgrade and were denied on 11 June 2014. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision but 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 U.S. Navy and began a period of active duty service on 27 July 1972. Your enlistment physical examination, on 21 July 1972, and self-reported medical history both noted no neurologic or psychiatric conditions or symptoms.

2. On 11 October 1973, you commenced a period of unauthorized absence (UA), while on an overseas deployment, that terminated on 22 October 1973. While in a UA status, you missed the movement of the ██████████ (██████████) from ██████████.

3. On 9 November 1973, you received non-judicial punishment (NJP) for: (a) your 11-day UA, (b) missing movement, and (c) failing to obey a lawful order. You did not appeal your NJP.

4. On 27 November 1973, you received non-judicial punishment (NJP) for: (a) insubordinate conduct, (b) breach of the peace, and (c) failing to obey a lawful order. You did not appeal your NJP.

5. On 10 June 1974, you commenced a period of UA that terminated on 12 June 1974. On 2 July 1974, you received NJP for your two-day UA. You did not appeal your NJP.

6. On 24 July 1974, you received NJP for: (a) UA, and (b) failing to obey a lawful order. You did not appeal your NJP. On 25 July 1974, your command issued you a "Page 13" counseling warning (Page 13) documenting your involvement in acts resulting in disciplinary action against you. The Page 13 advised you that further misconduct may result not only in disciplinary action but in processing for an administrative discharge.

7. On 10 October 1974, you commenced a period of UA that terminated on 12 October 1974. On 13 October 1974, you commenced yet another UA period that terminated on 15 October 1974. On 17 October 1974, you received NJP for your two (2) separate two-day UAs. You did not appeal your NJP.

8. On 1 November 1974, you commenced a period of UA that terminated the same day after one hour and 25 minutes. On 7 November 1974, you commenced a UA period that terminated on 11 November 1974.

9. On 15 November 1974, you were convicted at a Summary Court-Martial (SCM) for: (a) two (2) separate UA specifications, one of which was your four-day UA, and (b) misbehavior of a sentinel or lookout (improper watch standing). The SCM officer sentenced you for a reduction in rank to the lowest enlisted paygrade (E-1), and forfeitures of pay.

10. On 3 December 1974, your command notified you of administrative separation procedures by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. You elected your rights to submit statements and to present your case at a hearing before an administrative separation board (Adsep Board).

11. In the interim, on 12 December 1974, you received NJP for another UA. You did not appeal your NJP.

12. On 3 January 1975, you commenced another UA period that terminated on 7 January 1975.

13. On the day of your return, an Adsep Board convened in your case. At the Adsep Board,

you were represented by counsel and provided sworn testimony on your own behalf. Following the presentation of evidence and any witness testimony, the Adsep Board members unanimously recommended that you be separated with an under Other Than Honorable conditions (OTH) discharge characterization.

14. On 20 January 1975, you received NJP for: (a) your 4-day UA, (b) insubordinate conduct, (c) breach of the peace, (d) assaulting a civil patrolman, (e) two (2) specifications of resisting arrest/apprehension, and (f) damaging military property in excess of \$50. You did not appeal your NJP.

15. On 4 February 1975, an Enlisted Performance Evaluation Board in your case recommended an undesirable discharge by reason of unfitness.

16. On 10 February 1975, the Chief of Naval Personnel approved and directed your separation with an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities, along with an RE-4 reentry code. Your discharge physical examination did not note any neurologic or psychiatric conditions, symptoms, history, and/or treatment. Ultimately, on 13 February 1975, you were separated from the Navy for misconduct with an OTH discharge characterization and assigned an RE-4 reentry code.

17. On 17 February 1976, the Naval Discharge Review Board (NDRB) denied your discharge upgrade application. You did not proffer any mental health-related contentions with your NDRB application.

18. On 11 June 2014, this Board denied your initial application. In its decision letter, it explained to you that after applying all the potential mitigation factors in your case, the Board determined the seriousness and repetitiveness of your misconduct outweighed the mitigation factors.

In your application to this Board, you express a desire for your discharge character of service be upgraded, and your reason for separation and reentry code be changed. You contend that:

1. Your request is made for reasons of material error and material injustice and is premised on new and material evidence not yet considered by BCNR.
2. You would like to take this time to apologize to BCNR and to the U.S. Navy as a whole.
3. Your character is permanently marred by your characterization of service, which you now seek to rectify.
4. You have worked tirelessly since your discharge to build a successful career and provide service to your family and your community.
5. You have commendable post-service conduct.
6. Your behavior was the result of undiagnosed and untreated PTSD.

7. You are submitting this petition so you may reclaim your honor and restore your good name.

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 misconduct that formed the basis for your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

However, because you raised the issue of mental health, the Board also requested an AO. A licensed clinical psychologist (Ph.D.) reviewed your contentions and the available records and issued an AO on 30 September 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Throughout his disciplinary processing, there were no concerns raised of a mental health condition that would have warranted a referral for evaluation. He has provided no medical evidence in support of his claims. The Petitioner has been consistent in his report of his mother's death impacting his military service. Unfortunately, available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with his misconduct.

The Ph.D. concluded, "Based on a review of all available evidence, it is my considered clinical opinion that there is some post-service evidence from the Petitioner of mental health concerns that may have been experienced during military service. There is insufficient evidence of a clinical diagnosis of a mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to a mental health condition."

Following a review of your AO rebuttal submission, the Ph.D. did not change the ultimate conclusion of their original AO regarding any lack of nexus between your misconduct and PTSD symptoms.

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 you provided no medical evidence in support of your claim. 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. 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, your desire for a upgrade to your characterization of service and changes to your reason for separation and reentry code, your contentions, the totality of your service, your need for veterans' benefits, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your rehabilitation efforts, your post-service record of accomplishments, your candor and remorse, your service to your community, your claimed mental health issues, your advanced age, 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 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. The Board observed that your service record was marred by seven separate NJPs, one Page 13 entry, and one SCM conviction. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. While the Board commends you for your post-service accomplishments and appreciates your acceptance of responsibility for your conduct, 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,

3/20/2026

