

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

c. Petitioner enlisted in the Navy and began a period of active service on 17 July 2001. After a period of continuous Honorable service, Petitioner immediately reenlisted, on 17 June 2005, and commenced his final period of active duty.

d. On 28 January 2006, Petitioner received non-judicial punishment (NJP) and was awarded a reduction in rank that was suspended for six months. The details of the Uniform Code of Military Justice (UCMJ) violations for the NJP are not in Petitioner's Official Military Personnel File (OMPF).

e. On 10 May 2006, Petitioner received NJP for dereliction of duty and misbehavior of a sentinel or lookout. The suspension from his previous NJP was vacated and Petitioner was reduced in rank to E-3.

f. The documents pertinent to Petitioner's administrative separation are not in his OMPF. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on Petitioner's DD Form 214, he was separated, on 10 July 2006, with an "General (Under Honorable Conditions)" (GEN) characterization of service, narrative reason for separation of "Misconduct (Serious Offense)," his reentry code of "RE-4," and separation code of "HKQ," which corresponds to misconduct – commission of a serious military or civilian offense (board waiver). Petitioner's DD Form 214 does not annotate his period of continuous Honorable service from 17 July 2001 to 16 June 2005.

g. Petitioner contends his commanding officer made an example out of him after Petitioner left his roving watch to wash his hands because there was no running water on the ship. Petitioner further contends that he ensured his patrol was covered by another Sailor. Petitioner also contends he incurred post-traumatic stress disorder due to a collision on another ship, a heavy object falling into a place where he regularly worked, and a crypto violation on his ship that could have resulted in severe penalties. Petitioner contends post-service good conduct, including higher education, a pilot's license, work as an emergency medical services helicopter pilot, and volunteer work. Petitioner submitted a supplemental personal statement, four advocacy letters, a counseling participation letter, a Department of Veterans Affairs (VA) decision letter, and certificates from education degrees and certifications.

h. As part of the Board's review, the Board considered enclosure (4). The AO states 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.

Petitioner submitted the following records for review:

- Personal statement regarding occupational stressors that contributed to mental health concerns and the Petitioner's misconduct

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- February 2025 letter describing treatment with the local Vet Center from May 2019 to October 2025 for depression related to PTSD symptoms and addressing “the impacts of the military and traumatic events on...health, relationships, and career.”
- Evidence of service connection for Major Depressive Disorder, recurrent, effective January 2009
- Commendations, Awards, and certificates received in service
- Records from the Official Military Personnel File
- Statements in support of his experience and evidence of character and post-service accomplishment

There is no evidence that he was diagnosed with a mental health condition in military service. However, post-service, the VA granted service connection for a mental health condition. Unfortunately, available records are not sufficiently detailed to provide a nexus with his misconduct, which he claims was inadvertent during the performance of his duty.

The AO concluded, “it is my considered clinical opinion that there is post-service evidence from the VA 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.”

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner’s request warrants partial relief. Specifically, as previously discussed, the Board noted that Petitioner’s DD Form 214 does not include a statement of continuous Honorable service for his first enlistment and requires correction.

Notwithstanding the recommended corrective action below, the Board determined no further relief was warranted.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. While the Board carefully considered Petitioner’s contention for mitigation, the Board noted he admitted to committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that Petitioner committed the misconduct that formed the basis of his administrative separation and no error exists with his GEN characterization of service or RE-4 reentry code.

The Board also applied liberal consideration to Petitioner’s claim that he suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which he was 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

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may be attributed to military service. This conclusion is supported by the AO and Petitioner's post-service diagnosis from the VA. However, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by his mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion.

In addition to applying liberal consideration to Petitioner's claimed mental health condition and its potential effect upon his 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, Petitioner's contentions, the totality of his service, the non-violent nature of Petitioner's misconduct, Petitioner's relative youth and immaturity at the time of his misconduct, the negative effect Petitioner's discharge has had on his life, Petitioner's rehabilitation efforts and post-service record of accomplishments, Petitioner's candor and remorse, Petitioner's mental health issues, the character references Petitioner provided for review, and the passage of time since his discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any additional equitable relief. Specifically, the Board found that the severity of Petitioner's misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given an opportunity to correct his conduct deficiencies but chose to continue to commit misconduct, which led to his GEN discharge. Petitioner's 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 Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of Petitioner's discharge to Honorable to be warranted in the interests of justice. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's misconduct led them to conclude that his service was not Honorable. Based on the same rationale, the Board also determined Petitioner's reentry code remains appropriate.

Accordingly, given the totality of the circumstances, the Board determined Petitioner's request does not merit any additional relief.

RECOMMENDATION:

That Petitioner be issued a correction to DD Form 214 (DD Form 215) correcting Block 18, "Remarks" to indicate:

"CONTINUOUS HONORABLE ACTIVE SERVICE FROM 010717 UNTIL 050616."

That no further changes be made to Petitioner's record.

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That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

2/26/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]