



2. On 16 March 2009, you commenced a period of unauthorized absence that ended on 1 April 2009.

3. Upon your return, your command referred you for a mental health evaluation after your UA period where you indicated you were concerned about getting into trouble with your command due to pending civil charges, so you went UA.

4. On 13 April 2009, you received non-judicial punishment (NJP) for UA from 16 March 2009 to 1 April 2009. Additionally, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

5. On 8 September 2009, you received NJP for drunken operation of a vehicle. The same day, you were notified of pending administrative separation processing with a General (Under Honorable Conditions) (GEN) discharge by reason of misconduct due to pattern of misconduct. You waived your procedural rights, and on 29 September 2009, you were evaluated and determined to be an alcohol abuser. You were recommended for Level I outpatient counseling that you attended from 14 October 2009 to 23 October 2009. The separation authority ultimately directed your discharge with a GEN characterization of service and you were so discharged on 4 November 2009.

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. 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 no error exists with your GEN characterization of service.

However, because you raised the issue of mental health, the Board also requested an AO. As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO on 14 November 2025. The AO stated in pertinent part:

Petitioner contends he incurred mental health concerns during military service, which may have contributed to the circumstances of his separation from service.

There is evidence that he was diagnosed with an alcohol use disorder during military service. Problematic alcohol use is incompatible with military readiness and discipline and does not remove responsibility for behavior. Post-service, the VA has granted service connection for other mental health conditions. It is difficult to attribute his misconduct to a mental health concern other than alcohol use

disorder, particularly given repeated evaluations in service in which he denied mental health concerns.

The AO concluded, “it is my considered clinical opinion that there is post-service evidence from the VA of diagnoses of mental health conditions that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to mental health concerns other than alcohol use disorder.”

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 Kurta Memo. Applying such liberal consideration, the Board found sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and the medical evidence you provided. 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. 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 Kurta 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, your contentions, the totality of your service, the non-violent nature of your misconduct, 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 mental health issues, 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 GEN 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. Further, the Board considered that you already received a large measure of clemency when you were assigned a GEN characterization of service despite possessing a record of misconduct that normally results in an Other Than Honorable discharge. 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. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of your misconduct led

them to conclude that your service was not Honorable. Therefore, the Board did not find an upgrade of your discharge to Honorable to be warranted in the interests of justice.

Finally, the Board found insufficient evidence of an error or injustice to warrant a change to your reason for separation to disability. As explained above, the Board found no error with your administrative separation for misconduct based on your record of misconduct. Further, the Board found insufficient evidence you were unfit for continued naval service due to a qualified disability condition at the time of your service. Finally, in any case, the Board observed that misconduct based administrative separation processing would have disqualified you for disability processing. Therefore, based on the same rationale for denying your request for a discharge upgrade, the Board found no error or injustice with your reason for separation.

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,

2/26/2026

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Executive Director

Signed by: ■