



Subj: REVIEW OF NAVAL RECORD OF ██████████, USN, ██████████

e. From 27 April to 11 November 2008, Petitioner deployed to ██████████ as a Fleet Marine Force ██████████. During his deployment, Petitioner was injured in a major accident.

f. On 10 June 2009, Petitioner received non-judicial punishment (NJP) for failure to obey a lawful order.

g. On 30 October 2009, Petitioner underwent clavicular joint reconstruction surgery and was subsequently placed on convalescent leave.

h. On 30 November 2009, Petitioner began a period of unauthorized absence (UA) that ended on 17 May 2010.

i. On 25 May 2010, Petitioner submitted a request for separation in lieu of trial by court-martial. He waived his rights to consult with counsel and to submit a statement, and acknowledge that the least favorable discharge he may receive was under Other than Honorable Conditions (OTH).

j. The Separation Authority (SA) accepted Petitioner's request, and he was so discharged on 27 May 2010.

k. Petitioner contends the following injustices warranting relief:

(1) He was injured in Iraq and had a chest reconstruction when he got back from deployment. He was on convalescent leave and not mentally in the right mindset;

(2) Upon discharge, he was finally diagnosed with post-traumatic stress disorder (PTSD);

(3) He has worked to turn his experiences into opportunities for growth, obtained a B.S. in Health Services in August of 2025 and has submitted applications to physician's assistant programs to help those in needs; and

(4) He has fundraised over \$75,000 for veterans' nonprofits.

l. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which included his DD Form 293, personal statement, and mental health records.

m. As part of the Board's review, a qualified mental health professional reviewed Petitioner's contentions and the available records and provided the Board with enclosure (3). The AO stated in pertinent part:

There is in-service evidence that the Petitioner was diagnosed with PTSD and other mental health concerns that were attributed to military combat exposure. Post-service, the VA has granted service connection for PTSD. Petitioner's misconduct did begin after his two deployments as an individual augmentee (IA) joining another unit. It is plausible that disobedience and UA could be considered

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behavioral indicators of irritability and avoidance associated with the symptoms of PTSD identified in service.

The AO concluded, "It is my considered 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 Petitioner that his misconduct may be attributed to PTSD."

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants relief.

The Board found no error in Petitioner's OTH characterization of service discharge in lieu of trial by court martial. However, because Petitioner based his claim for relief in whole or in part upon his PTSD, the Board reviewed his application in accordance with the guidance of references (b) through (d). The Board applied liberal consideration to Petitioner's PTSD experience and the effect that it may have had upon his misconduct. Ultimately, the Board agreed with the AO conclusion that there is both in-service and post-service evidence of PTSD and sufficient evidence that Petitioner's misconduct may be attributed to PTSD.

In applying liberal consideration to Petitioner's PTSD and any effect that it may have had upon his misconduct, the Board considered the totality of the circumstances to determine whether relief is warranted in the interests of justice. In this regard, the Board considered, among other factors, the mitigating effect of Petitioner's PTSD may have had upon his misconduct. After thorough review, the Board found that Petitioner's PTSD did have an effect on his misconduct and the mitigating circumstances of his PTSD outweighed the misconduct for which Petitioner was discharged. Therefore, the Board determined the interests of justice are served by upgrading Petitioner's characterization of service to Honorable and changing his reason for separation to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned reentry code remains appropriate in light of his record of misconduct and unsuitability for further military service.

## RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 27 May 2010, he was discharged with an "Honorable" characterization of service, narrative reason for separation of "Secretarial Authority," SPD code of "JFF," and separation authority of "MILPERSMAN 1910-164."

That Petitioner be issued an Honorable discharge certificate.

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That no further correction action be taken on Petitioner's naval record.

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

4. It is certified that 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 Regulations, 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.

1/16/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]