



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

██████████
Docket No. 6162-25
Ref: Signature Date

████████████████████
████████████████████████████████
████████████████████

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 4 February 2026. The names and votes of the panel members will be furnished upon request. Your application of error and 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, applicable statutes, regulations, and policies, to include the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)(Hagel Mem) and 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 an advisory opinion (AO) furnished by a qualified mental health professional and your response to the AO.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case on the evidence of record.

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 Navy and began a period of active duty on 10 November 1999.

During your enlistment processing you disclosed a prior driving under the influence (DUI) offense and marijuana use, for which enlistment waivers were granted.

2. On 1 May 2001, you tested positive for marijuana. On 10 May 2001, you provided a voluntary statement denying marijuana use but admitted being present where marijuana was used, stating you were at a party at [REDACTED] residence and observed [REDACTED] marijuana. On 15 May 2001, you submitted a second voluntary statement admitting you falsely denied marijuana use and acknowledged using marijuana on two occasions. You further stated that [REDACTED] was not involved in your marijuana use, that you did not observe [REDACTED] marijuana, and that your prior statement was false and made out of fear in an attempt to shift responsibility.

3. On 8 June 2001, you received nonjudicial punishment for the wrongful use of marijuana. Consequently, you were notified of your pending administrative processing by reason of misconduct due to drug abuse, at which time you elected your procedural right to consult with counsel and to present your case to an administrative discharge board (ADB).

4. On 31 August 2001, an ADB was held and determined that a preponderance of the evidence supported a finding of misconduct for drug abuse. The ADB recommended that you be separated from the Navy with a General (Under Honorable Conditions) (GEN) characterization of service. Ultimately, the separation authority directed you be discharged with a GEN characterization of service and you were so discharged on 9 November 2001.

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.

Based on your assertions that you incurred mental health concerns (PTSD) 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 19 November 2025. The AO stated in pertinent part:

There is no evidence of a mental health condition that existed during his military service. Petitioner informed his provider at the VA that he experiences PTSD symptoms because of having witnessed the death of pilots in the Navy, and that “there was blood everywhere.” There is no documentation contained within his service record of any such event; furthermore, he did not cite any PTSD symptoms during any administrative separation proceedings in service. His personal statement is not sufficiently detailed to provide a nexus between a mental health condition and his in-service misconduct. Additional records (e.g., post-service mental health records

describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "there is sufficient evidence of a diagnosis of PTSD that is temporally remote to service. There is insufficient evidence to attribute his misconduct to any mental health condition or PTSD."

In response to the AO, you submitted additional evidence in support of your case. After reviewing your rebuttal evidence, the AO remained unchanged.

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 Memo. 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 your post-service diagnosis. 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 addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your conduct in accordance with the Hagel 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 post-service record of accomplishments, 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 determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. In addition, the Board noted you were already provided a measure of clemency when you were not charged at NJP for your false official statement and later assigned a GEN characterization of service for misconduct that normally resulted in an Other Than Honorable discharge. Therefore, the Board determined no additional clemency was warranted. 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. Therefore, the Board did not find an upgrade of your discharge to Honorable to be warranted in the interests of justice. Based on the same rationale, the Board also determined your reason for separation and reentry code remains appropriate. While the Board commends you for your post-service rehabilitation

efforts and accomplishments, 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,

2/23/2026

