



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

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Docket No. 6198-25
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.

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 30 January 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 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 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)/mental health condition (MHC) (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 considered an advisory opinion (AO) from a qualified mental health professional. Although you were provided an opportunity to respond to the AO, you chose not to do so.

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 Marine Corps and began a period of active duty on 7 January 1985.
2. On 27 October 1986, you were counseled concerning two incidents of domestic violence, and advised that further outbreaks of domestic violence or violations of the Uniform Code of Military Justice (UCMJ) or civil law would be dealt with severely.

3. You were deployed from 25 January to 5 February 1987 to █, and from 7 to 18 December 1987 to █. On 6 January 1988, you received the Good Conduct Medal. From 4 August 1988 to 29 August 1988, you deployed to █ onboard the █.

4. On 18 November 1988, you received non-judicial punishment (NJP) for the wrongful appropriation of 3.5 million LIRE (approximately \$2,500), which was the property of an █ national. You were subsequently issued an administrative remarks (Page 11) counseling concerning deficiencies in your conduct: black marketing, making false official statements, and losing your ID card. 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 9 January 1989, you received another Page 11 retention warning/counseling regarding your continual tardiness to work, inattention to detail, military appearance, [un]professional demeanor and disrespect towards superiors.

6. On 22 February 1989, you received your second NJP for violation of a Squadron order by allowing your wife to stay overnight in your barracks room.

7. Consequently, you were notified of pending administrative separation processing with an Other Than Honorable (OTH) discharge by reason of misconduct due to a pattern of misconduct. You elected to consult with legal counsel and to submit a personal statement, and waived your procedural right to request a hearing before an administrative discharge board. The Commanding Officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Marine Corps with an OTH character of service. The separation authority approved the CO's recommendation, and you were discharged on 5 April 1989¹.

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 were properly separated for misconduct with an OTH characterization of service.

Because you raised the issue of mental health, the Board 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 21 November 2025. The AO stated in pertinent part:

¹ The Board observed that your Certificate of Release or Discharge from Active Duty (DD Form 214) states, "General Under Other Than Honorable" as your character of service. While the Board acknowledged this is an administrative error, since no such characterization of service exists, the Board was not willing to change it to remove the "General" language. Board policy prevents it from modifying a Petitioner's record in a manner that negatively effects the record. In the Board's opinion, correcting your DD Form 214 would negatively effect your record. If you desire the Board to do so, you may submit an application for reconsideration.

There is no evidence of a mental health condition that existed during his military service. He submitted evidence of diagnoses of ADHD and PTSD that are temporally remote to service. Repeated assault and wrongful appropriation are particularly incongruent with typical symptoms of PTSD but are synonymous with Antisocial Personality Disorder. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval 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, "it is my considered clinical opinion that there is insufficient evidence of a mental health condition that existed in service. There is sufficient evidence of a diagnosis of Antisocial Personality Disorder, which existed in service, and the bulk of his misconduct appears to be consistent with this diagnosis. There is insufficient evidence to attribute his misconduct to any primary mental health condition."

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 your medical evidence is temporally remote to your service. 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 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 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 contentions, the totality of your service, your contentions, your relative youth and immaturity at the time of your misconduct, 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. Additionally, with regard to your argument that your performance, aside from your misconduct, was Honorable, the Board noted that, although one's service is generally characterized at the time of discharge based on performance and conduct throughout the entire enlistment, the conduct or performance of duty reflected by only a single incident of misconduct may provide the underlying basis for discharge characterization. There is no precedent within this Board's review, for minimizing the "one-time" isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. However, in your case, as evidenced by your counseling and NJPs, you were involved in multiple incidents throughout your enlistment. Therefore, the Board was not persuaded by this argument. 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.

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 General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice.

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,

2/21/2026

