



Recruit Training Command, you were issued an administrative remarks (Page 13) counseling concerning fraudulent enlistment due to failure to disclose pre-service involvement with civil authorities. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

2. On 13 September 2000, your command received notification of your positive urinalysis for cocaine. The drug and alcohol program advisor determined you were not amenable to treatment. You denied intentional cocaine use, contending that your drink must have been spiked while you were in █.

3. On 14 September 2000, you received non-judicial punishment (NJP) for wrongful use of cocaine.

4. On 2 October 2000, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to drug abuse. You elected to consult with legal counsel and subsequently waived your rights to submit a statement or have your case heard by an administrative discharge board. The separation authority directed your discharge with an OTH characterization of service and you were so discharged on 19 October 2000.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that:

1. You are attempting to better your life through mental health treatment and you are taking medication for your mental health conditions.
2. You are apologetic for the events that led to your discharge.

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 now admit to committing the misconduct that formed the basis for your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

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 30 November 2025. The AO stated in pertinent part:

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

Petitioner submitted the following records for review:

- DD-149 Application for Correction of Military Records
- Medical records from █
- Mental health records from █ noting Anxiety Disorder Unspecified (2024), and Bipolar Disorder (2023)

There is no evidence of a mental health condition that existed during his military service. He submitted evidence of diagnoses of Bipolar Disorder and Anxiety Disorder that are temporally remote to service. His personal statement is not sufficiently detailed to provide a nexus between a mental health condition and his in-service misconduct.

The AO concluded, “Based on a review of all available evidence, it is my considered clinical opinion that there is sufficient evidence of mental health diagnoses granted post service. There is insufficient evidence to attribute his misconduct to any mental health condition that existed in service.”

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 your temporally remote medical evidence. 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.

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 desire for a upgrade to your characterization of service, your contentions, the totality of your service, your need for veterans’ benefits, 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 candor and remorse, 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. Further, the Board found that your conduct showed a complete disregard for military authority and

regulations. Your conduct was sufficiently serious to negatively affect the good order and discipline of your command. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. 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. While the Board appreciates your expression of remorse, 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 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,

3/20/2026

