



your financial status and actions taken by you to resolve your debts and bad checks. You were provided recommendations for corrective action and advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative separation.

On 25 March 1992, you received non-judicial punishment (NJP) for being absent from your appointed place of duty and false official statement. On 8 July 1992, you received your second NJP for two specifications of failure to go to your appointed place of duty by being absent from your appointed place of duty. On 23 October 1992, you received your third NJP for disobeying a lawful command by failing to report back to your Division Officer, failure to maintain proper deposited funds, and dishonorably failing to pay said debt to the Navy Exchange. Additionally, you were issued your second retention warning Page 13 counseling concerning deficiencies in your performance and conduct. On 25 March 1993, you were found guilty by a summary court-martial (SCM) of two specifications of unauthorized absence (UA) and UA from Fire Party Muster.

Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to commission of a serious offense and pattern of misconduct. You were informed that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions. You waived your right to consult with counsel, to present your case to an administrative discharge board, and to submit a written statement in rebuttal to your separation. The commanding officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy with an OTH characterization of service. The separation authority approved the recommendation and directed your administrative discharge from the Navy for misconduct due to commission of a serious offense. You were so discharged on 4 June 1993.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to upgrade your discharge character of service and contentions that: (1) you were suffering from an undiagnosed mental health condition of adjustment disorder during the time that you served, (2) your OTH discharge was due to actions that were significantly influenced by your undiagnosed mental health condition, (3) you were deeply affected by a series of personal tragedies that severely impacted your mental and emotional health, (4) your undiagnosed symptoms affected your behavior and decision making, (5) you made a regrettable decision to write bad checks in a desperate effort to support yourself and your ailing grandparents during a time of intense emotional crisis, and (6) you take full responsibility for your actions; you now understand that your actions were significantly influenced by what you later learned was an undiagnosed mental health condition. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

As part of the Board's review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 23 September 2025. The AO stated in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service. However, post-service, the Department of Veterans Affairs (VA) granted service connection for a mental health condition and a civilian provider has confirmed this diagnosis. Unfortunately, available records are not sufficiently detailed to provide a nexus with his misconduct. It is difficult to consider financial mismanagement as a symptom of a mental health condition. There are also inconsistencies in his report of his purported trauma that raise doubt regarding the reliability of his recall. 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 post-service evidence from the VA and a civilian provider of a mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to a mental health condition."

In response to the AO, you submitted a statement that provided additional clarification of the circumstances of your case. After reviewing your rebuttal evidence, the AO remained unchanged.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your multiple Page 13 counselings concerning your conduct and performance, three NJPs, and SCM conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct showed a complete disregard for military authority and regulations. The Board noted that you were provided multiple opportunities to correct your conduct deficiencies during your service but you continued to commit additional 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, the Board concurred with the AO that, while there is post-service evidence from the VA and a civilian provider of a mental health condition that may be attributed to military service, there is insufficient evidence that your misconduct may be attributed to a 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 sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO. 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. Therefore, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions. 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.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. While the Board carefully considered the evidence you submitted in mitigation, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. 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,

1/10/2026

