



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

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Docket No. 6538-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 9 February 2026. The names and votes of the panel members will be furnished upon request. Your allegations of error or 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, and 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) (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). As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an Advisory Opinion (AO). Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

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.

You previously applied to this Board for an upgrade to your characterization of service and reentry code. Your initial application was denied on 16 May 2022. You subsequently applied for reconsideration and were denied on 12 March 2025. The summary of your service remains substantially unchanged from that addressed in the Board's previous decisions.

Previous to applying this Board, you also applied to the Navy Discharge Review Board (NDRB) for an upgrade to your characterization of service and change to your reentry code. On 29 January 2009, the NDRB denied your request after determining your discharge was proper as issued.

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 that you were innocent of misconduct, the Board found the evidence you provided was not persuasive. Specifically, the Board observed that you were found guilty at NJP of attempting to defraud the government and forgery¹. The witness statement you provided discusses your involvement in larceny and not the offenses of which you were found guilty. Therefore, the Board determined the presumption of regularity applies to your NJPs and administrative separation, and no error exists with your record.

However, because you raised the issue of mental health, the Board also requested an AO².

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 and change your reentry code. You contend you incurred PTSD during military service. Specifically, you contend that you were falsely accused of misconduct and, due to insufficient evidence to exonerate yourself at the time, were discharged from the Navy. You further state that one of the individuals who accused you later admitted that the allegation was false. More than 15 years after your discharge, you now have the opportunity to prove that your discharge was unwarranted. You also request the relief in order to pursue reenlistment and complete your military career. In addition, you state that an upgrade of your discharge would permit you to seek eligibility for Department of Veterans Affairs (VA) benefits. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and the evidence you provided in support of it.

Based on your assertions that you incurred 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. The AO stated in pertinent part:

There is no evidence that she was diagnosed with PTSD or another mental health condition in military service. Post-service, she received mental health treatment for PTSD symptoms related in part to military service. The Petitioner has provided

¹ You previous NJP was for an unspecified offense but counseling records indicate you were uttered seven checks to the Navy Exchange with insufficient funds for payment.

² You raised the issue of a mitigating mental health condition in your second application to this Board. An AO was issued in that case which found sufficient evidence of a mental health condition but insufficient evidence a nexus existed with your condition and your misconduct. Based on the new evidence, you submitted with your current application, a new AO was issued.

personal statements and supporting statements that she did not engage in misconduct but was falsely accused. It is difficult to attribute financial mismanagement to a mental health condition.

The AO concluded, “it is my considered clinical opinion that there is post-service evidence of a diagnosis of PTSD that may be attributed to military service in part. There is insufficient evidence that her misconduct may be attributed to PTSD or another 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 and your post-service 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 and recognized the same concerns raised in the AO. Specifically, the Board questioned how your mental health condition could mitigate misconduct that you claim not have committed. Additionally, the Board agreed with the AO that financial mismanagement is not typical behavior associated with a mental health condition. 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 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 post-service record of accomplishments, your mental health issues, the witness statement you provided for review, 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, 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. Finally, while the Board commends your post-service accomplishments and desire to continue your service in the military, 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,

3/10/2026

