

2. On 24 February 1986, you received non-judicial punishment (NJP) for wrongful appropriation by misusing a telephone, making personal phone calls, and charging them to government phones.

3. On 15 January 1987, you received your second NJP for a period of unauthorized absence (UA) and two specifications of making a false official statement. Subsequently, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

4. On 28 April 1987, you received your third NJP for the willful disobedience of a senior petty officer, dereliction of your duties, three specifications of submitting a false official statement, two specifications of deceiving, concealing a destroying an official record, and a 50-hour period of UA.

5. Consequently, you were notified of administrative separation processing for misconduct due to commission of a serious offense and pattern of misconduct. You signed a conditional waiver in which you agreed to waive your right to an administrative board, provided you were recommended for at least a General (Under Honorable Conditions) (GEN) discharge. In accordance with your condition waiver, your commanding officer (CO) recommended you be discharged with a GEN characterization of service. However, the separation authority (SA) disapproved the waiver and directed that you be re-notified of your procedural rights.

6. In the meantime, on 8 July 1987, you received your fourth NJP for a period of UA, disrespect towards a superior commissioned officer, willful disobedience of a superior commissioned officer, and two specifications of willful disobedience of a petty officer.

7. On 22 July 1987, your received your final NJP for two specifications of UA, missing the ship's movement, willful disobedience of a chief warrant officer, and willful disobedience of a petty officer.

8. Subsequently, you were re-notified of pending administrative separation proceedings by reason of misconduct due to a pattern of misconduct and commission of a serious offense. You were informed that the least favorable characterization of service you may receive was Under Other Than Honorable (OTH) conditions. You subsequently elected to consult with counsel and present your case to an administrative discharge board (ADB).

9. On 3 September 1987, the ADB found that you committed misconduct and recommended that you be separated from the Navy with an OTH character of service. The CO forwarded your administrative separation package to the SA, concurring with the findings of the ADB. The SA approved the ADB's recommendation and you were so discharged on 16 October 1987.

10. Post-discharge, you applied to the Navy Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 3 December 1993, 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 for mitigation and allegation that you were the victim of reprisal, the Board noted you did not deny committing 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 OTH characterization of service.

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 3 December 2025. The AO stated in pertinent part:

There is no evidence that the Petitioner was diagnosed with a mental health condition while in military service or that he exhibited any symptoms of a mental health condition. There is evidence of a diagnosed Personality Disorder, which is consistent with some of his documented behaviors in-service; For example, several members of his command noted his repetitive lack of candor. 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, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service.

He submitted VA documentation reflecting his request for mental health services and what appears to be an initial intake diagnosing him with an Adjustment Disorder. It is unknown whether he followed up with continued services. His account of what he deemed to be traumatic events does not meet criteria as per DSM-V-TR guidelines for PTSD. Additional records (e.g., active-duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) 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 diagnosed Personality Disorder in service and an Adjustment Disorder that is temporally remote to service. There is insufficient evidence to attribute his misconduct 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 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 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 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 service to your community, your mental health issues, your allegations of unfair treatment, your advanced age, the character references 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. The Board noted that you were subject to two additional NJPs after you were initially notified of administrative separation processing.

In addition, the Board was not persuaded by your contentions of mistreatment and expressed doubt regarding your candor, or the reliability of your recall, based on the likely improbability of the events you describe¹. In making this finding, the Board considered your history of integrity-related misconduct that included misappropriation of government services for your own benefit and five instances of making false official statements. Further, the Board also considered that you were repeatedly identified by senior leadership as someone who was untrustworthy and predisposed to lying. Furthermore, the Board found the CO's endorsement of your qualified waiver to be inconsistent with your allegations regarding unfair treatment from your chain of command that included reprisal. Moreover, the Board noted you fully exercised your due process rights and an ADB separately found that you committed the misconduct for which you were processed for separation and recommend you receive an OTH characterization of service.

¹ While the Board acknowledged that it was possible that you, as a member of the U.S. Navy assigned to ship's company, could be granted emergency leave by a Marine Corps unit embarked on your ship, they found it highly unlikely this would occur without the knowledge of your commanding officer and certainly not over your commanding officer's objection, as described in your application.

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 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 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,

2/23/2026

