



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

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Docket No. 6655-25
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.

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 5 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 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 25 June 1991. On 26 August 1992, you were counseled for failing the official PRT. You were advised that failure to take corrective action could result in administrative separation. On 6 October 1992, you were evaluated by a CAAC counselor as a result of an alcohol related incident and determined to be an alcohol abuser. You were recommended for CAAC Level II outpatient treatment, family counseling, and referral to a medical officer for further evaluation. On 27 November 1993, you were evaluated by a medical officer as a result of suicidal ideations while intoxicated. You explained that you were having trouble coping with the strictness of the command. Additionally, you asserted the stress of

family related issues and legal problems with the command led you to desire a discharge from the Navy. You were diagnosed with alcohol abuse and other life circumstance problems, and found fit to return to duty. On 2 December 1993, you received nonjudicial punishment (NJP) for wrongfully appropriating a motor vehicle, military property, of value of \$1,000.00.

On 8 December 1993, you were evaluated by a medical officer as a result of command referral for dependency screening. During the evaluation, you admitted preservice use of marijuana, liquid speed, and previous alcohol problems stemming from your parents. Consequently, you were diagnosed with ETOH Dependence, Psychological. On 13 December 1993, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense. You decided to waive your procedural rights and your commanding officer recommended your separation an Other Than Honorable (OTH) characterization of service. The separation authority approved the recommendation and you were so discharged on 28 January 1994.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to your desire for a discharge upgrade and contentions that: (a) you are seeking an upgrade in order to receive full benefits, (b) no one listen to the fact that you were battling depression, anxiety, and Post Traumatic Stress Disorder (PTSD) for being in the Persian Gulf, (c) treatment options were not available to you and everything was blamed on alcohol consumption, (d) you informed your superiors that you were not suffering from alcohol issues; however, you were told that you would be discharged without alcohol treatment, (e) you are still being treated for PTSD and anxiety, and (f) you have also completed alcohol classes. You also checked the "PTSD" box on your application but chose not to respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any additional documentation.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact it had on the good order and discipline of your unit. Further, the Board also noted you provided no evidence, other than your personal statement, to substantiate your contentions. However, contrary to your contention that treatment options were not available, the Board noted you were evaluated by a mental health provider and recommended for treatment but you expressed a desire to be discharged from the Navy. Lastly, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

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. Even in light of the Wilkie Memo and reviewing the record 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. 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 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,

1/16/2026

