



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 6902-25
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 2 March 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, 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), the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo), and the Under Secretary of Defense Memo of 20 September 2011 (Correction of Military Records Following Repeal of 10 U.S.C. 654). As part of the Board 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 based on the evidence of record.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the Navy and began a period of active duty on 23 September 1992. As part of your enlistment processing, you were granted an enlistment waiver for your dependents.

While you were still in your initial training pipeline, you were counseled in connection with making, drawing, or uttering a check, draft, or order without sufficient funds as evidenced by a Navy Federal Credit Union (NFCU) check returned to the Navy Exchange. You were retained in the naval service but advised that subsequent violation(s) of the Uniform Code of Military Justice (UCMJ) and/or conduct resulting in civilian action could result in an administrative separation under Other Than Honorable (OTH) conditions.

2. On 7 April 1993, you reported onboard █ Sound for duty.

3. On 20 September 1993, you received nonjudicial punishment (NJP) for two specifications of unauthorized absence and for one specification of failure to obey a lawful order by consuming alcoholic beverages while under the age of 21 in violation of Articles 86 and 92 of the UCMJ. Your punishment consisted of forfeiture of \$456.00 pay per month for two months, reduction in paygrade to E-2, and 45 days of restriction and extra duties. However, the forfeitures were suspended for six months.

4. Consequently, you were notified of your pending administrative processing by reason of commission of a serious offense, at which time you waived your right to present your case to an administrative discharge board after consulting with counsel.

5. In the meantime, on 15 December 1993, your previously suspended punishment was vacated due to additional misconduct. On the same date, you received a second NJP for 250 specifications of wrongfully obtaining services through the use of an AT&T calling card belonging to another service member. Your punishment consisted of forfeiture of \$407.00 pay per month for two months, reduction in paygrade to E-1, and 45 days of restriction and extra duties.

6. Ultimately, the separation authority directed you be discharged with an Other Than Honorable (OTH) characterization of service by reason of commission of a serious offense. On 28 January 1994, you were so discharged.

7. Post-discharge, you applied to the Naval Discharge Review Board (NDRB) requesting an upgrade of your characterization of service and change to your reentry code. In your application you acknowledge that the circumstances leading to your discharge were of your own making, your command attempted to retain you, and that you declined due to personal circumstances. You explained that your primary reason for leaving the service was to be with your wife and children because your wife did not wish to relocate from Texas. The NDRB denied your request on 11 December 1995, 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, the Board noted you did not deny 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, based on your assertions that you incurred PTSD and other mental health issues 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 of your record and provided the Board with an AO on 15 December 2025. The AO stated in pertinent part:

There is no evidence that the Petitioner suffered from a mental health condition or PTSD while in military service. He submitted post-service evidence of mental health diagnoses that are temporally remote to service. One note from Greenhouse Outpatient Treatment Center reads, “[Petitioner] is a 50 y/o male admitted for continuing for ETOH [alcohol] dependency, medical history positive for HTN [hypertension], psych history positive for anxiety, depression.” Although there were notes indicating history of PTSD in the paperwork submitted, it appears as though this was self-reported and no further treatment records, notes, etc. address the reported PTSD or provide any further rationale as to the etiology thereof. Furthermore, it cannot be said that 250 specifications of theft could be due to PTSD or any other mental health condition. His personal statement is not sufficiently detailed to provide a nexus between his misconduct and post-service mental health conditions. 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 clinical opinion that there is insufficient evidence of PTSD or any other mental health condition that existed in service. There is insufficient evidence to attribute his misconduct to PTSD or any other 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 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 and appears unrelated. 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 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 desire for an 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 current 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 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 considered that your narrative of events changed significantly between your NDRB application and your current one to this Board. When considering the discrepancies between your contentions along with the significant number of integrity offenses you committed while on active duty, the Board felt it had no choice but to question your candor and/or reliability of recall in this matter. 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. 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, since you raised the issue of DADT, the Board considered the aforementioned DADT policy addressing the policy repeal. The memo sets forth the Department of the Navy's current policies, standards, and procedures for correction of military records following the DADT repeal of 10 U.S.C. 654. It provides service Discharge Review Board with the guidance to normally grant requests to change the characterization of service to "Honorable," narrative reason for discharge to "Secretarial Authority," the separation code to "JFF1," and the reentry code to "RE-1J," when the original discharge was based solely on DADT or a similar policy in place prior to enactment of it and there are no aggravating factors in the record, such as misconduct. In applying the policy to the facts of your case, the Board determined it was inapplicable since you were not separated for DADT and there are aggravating factors of misconduct in your record.

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,

3/20/2026

