

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USN, [REDACTED]

d. On 4 September 1992, Petitioner began a period of unauthorized absence (UA) that ended on 24 September 1992. During his UA period, he missed ship's movement.

e. On 9 October 1992, Petitioner was found guilty at summary court-martial (SCM) for the 20-day UA and missing ship's movement. Petitioner was sentenced to reduction in rank and restriction with extra duties.

f. Consequently, Petitioner was notified for separation for misconduct commission of a serious offense. Petitioner waived his rights to consult with counsel and a hearing before an administrative discharge board. The Commanding Officer (CO) made his recommendation to the Separation Authority (SA) that Petitioner be discharged with an Other Than Honorable (OTH) characterization. The SA accepted the recommendation and Petitioner was so discharged on 19 November 1992. Upon his discharge, he was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate his period of continuous Honorable service from 28 August 1989 to 19 February 1992.

g. Petitioner contends he has stabilized his mental health and regrets his actions. Petitioner further contends that he was experiencing severe and unrecognized PTSD, anxiety and depression, and these mental health challenges caused overwhelming emotional distress and impaired his judgment. Petitioner asserts it made it extremely difficult for him to function normally or make rational decisions under stress. Lastly, he contends that his UA was a result of being in the midst of a mental health crisis that he did not know how to handle.

h. In light of the Petitioner's assertion of Mental Health Condition, the Board requested enclosure (3). The AO stated in pertinent part:

There is no evidence that the Petitioner suffered from a mental health condition while in military service. He did not submit any medical evidence in support of his claim. His personal statement is not sufficiently detailed to provide a nexus between a mental health condition and his misconduct. 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 a mental health condition or PTSD that existed in service. There is insufficient evidence to attribute his misconduct to any mental health condition or to PTSD."

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's record warrants partial relief. Specifically, as discussed above, the Board determined Petitioner's DD Form 214 fails to document Petitioner's continuous Honorable service from 28 August 1989 to 19 February 1992 and requires correction.

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Notwithstanding the below recommended corrective action, the Board concluded insufficient evidence exists to support Petitioner's request for an upgrade in characterization of service.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. While the Board carefully considered Petitioner's contention for mitigation, the Board noted he did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that Petitioner committed the misconduct that formed the basis of his administrative separation and was properly separated for misconduct with an OTH characterization of service.

The Board then applied liberal consideration to Petitioner's claim that he suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which he was 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 Petitioner provided no medical evidence in support of his claims. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by his mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion.

In addition to applying liberal consideration to Petitioner's claimed mental health condition and its potential effect upon his 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, the totality of Petitioner's service, the non-violent nature of his misconduct, his relative youth and immaturity at the time of his misconduct, the negative effect Petitioner's discharge has had on his life, his remorse, Petitioner's mental health issues, and the passage of time since his 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 Petitioner's conduct showed a complete disregard for military authority and regulations. Petitioner's conduct was sufficiently serious to negatively affect the good order and discipline of his command. The Board concurred with Petitioner's CO's comments that Petitioner had "proven to be a burden and detrimental to the morale and discipline of this command." Finally, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. In their opinion, it would also create an unwarranted and inaccurate assessment of Petitioner's period of service that could potentially undermine the integrity of the Navy's personnel system. Therefore, the Board did not find an upgrade of Petitioner's discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice.

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RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 19 November 1992, to reflect the following comment added to the Block 18 Remarks section:

“CONTINUOUS HONORABLE ACTIVE SERVICE FROM [REDACTED]

That no further changes be made to Petitioner’s record.

That a copy of this Report of Proceedings be filed in Petitioner’s naval record.

4. It is certified that a quorum was present at the Board’s review and deliberations, and that the foregoing is a true and complete record of the Board’s proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

2/18/2026

