

1. You enlisted in the Navy and began a period of active duty on 8 April 1997. On 1 November 1997, you reported to Naval Mobile Construction Battalion Three for duty.
2. On 19 August 1998, you received non-judicial punishment (NJP) for larceny.
3. In October 1998, you were evaluated and diagnosed with antisocial behavior, chronic depression, and suicidal gesture.
4. On 7 November 1998, you received NJP for three specifications of failure to obey a lawful order and incapacitated for the proper performance of duties. When you were presented to medical for a competency for duty examination, you were diagnosed with alcohol intoxication and mild depression.
5. Based on your record, it appears you were notified of administrative separation processing for misconduct due to commission of a serious offense and pattern of misconduct. Unfortunately, some documents pertinent to your administrative separation proceedings are not in your official military personnel file. Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties.
6. On 10 December 1998, the commanding officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy with an Other Than Honorable (OTH) characterization of service. As part of the CO's recommendation, he stated in pertinent part:

[Petitioner] was awarded NJP for a minor larceny in Aug 98. He was counseled on his behavior and warned that further misconduct may result in processing or administrative separation. The [Petitioner] violated this warning in Oct and again in Nov when he chose to consume alcohol while under the legal drinking age, once instance resulting in his incapacitation for duty the following morning. Further, [Petitioner] was found with visitors in his barracks room outside the authorized hours, violating BEQ policy. Based on his disregard for Navy standards, as well as society's values, I have concluded [Petitioner] has no potential for further naval service. Accordingly, I strongly recommend his discharge under Other Than Honorable conditions.

The separation authority approved the recommendation for pattern of misconduct, and you were so discharged on 26 January 1999.

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. 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 and Traumatic Brain Injury (TBI)¹, the Board also requested an AO. As part of the Board's review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 19 December 2025. The AO stated in pertinent part:

There is evidence that the Petitioner was diagnosed with "antisocial behavior, chronic depression, and a suicidal gesture," while in service (none are formal diagnoses as per DSM-VTR guidelines; It appears the evaluator was documenting symptoms rather than formal diagnoses). Petitioner submitted only partial active-duty medical records; Their entirety would be much more helpful for a comprehensive review. His medical records (both in service and post service) indicate alcohol-related events and problems. It is possible that his suicide gesture and "chronic depression" were evoked by intoxication, and other notes in the medical records submitted do indicate problems following alcohol use. It is difficult to specify/pinpoint what symptoms and behaviors are due to Alcohol Abuse, versus depression, versus possible Antisocial Personality Disorder without additional medical records from his time in service.

He submitted evidence of diagnoses of PTSD, Bipolar Disorder, Alcoholism, Anxiety, and Excoriation Disorder that are temporally remote to service. Furthermore, the notes submitted indicate that PTSD may have been exacerbated by an event whereby a gun was brought into his home. There is no indication that any of the diagnoses provided are related to his time in service. His personal statement is not sufficiently detailed to provide a nexus between a mental health condition and in-service 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 sufficient evidence of probable alcohol abuse while in service. There is evidence of diagnoses of PTSD, Anxiety, Bipolar Disorder, Alcoholism and Excoriation Disorder that are temporally remote to service. There is insufficient evidence to attribute his misconduct to PTSD or any other mental health condition."

In response to the AO, you submitted additional evidence in support of your application. After reviewing your rebuttal evidence, the AO remained unchanged.

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

¹ The Board noted you provided no evidence to support a TBI claim.

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 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, 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 mental health and other service-connected disability 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. Further, 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 carefully considered the evidence you provided in mitigation, 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

