



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 22204

█  
Docket No. 7683-25  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 20 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, 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)/mental health condition (MHC) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

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 originally enlisted in the U.S. Navy and began a period of active duty service on 22 April 1982. Your pre-enlistment physical examination, 12 November 1981, and self-reported

medical history both noted no psychiatric or neurologic issues or symptoms. After a period of continuous Honorable service, you immediately reenlisted for a period of two (2) years on 11 May 1987.

2. On 29 May 1987, you received non-judicial punishment (NJP) for an unauthorized absence (UA). You did not appeal your NJP.

3. On 24 July 1987, civilian authorities arrested and charged you with DUI. You were convicted of your DUI offense on 6 August 1987.

4. Previous to your DUI arrest, on 19 July 1987, civilian authorities arrested and charged you with public drunkenness. You were convicted of your drunkenness offense on 13 August 1987.

5. On 16 October 1987, you received NJP for: (a) two separate UA specifications, and (b) failing to obey a lawful order. You did not appeal your NJP.

6. That same day, you commenced a period of UA that terminated on 19 October 1987. There is no evidence you received punishment for this UA period.

7. On 12 November 1987, you received NJP for the wrongful use of a controlled substance (marijuana). You received the maximum permitted punishment. You did not appeal your NJP.

8. Consequently, on 17 November 1987, your command your command notified you of administrative separation proceedings by reason of misconduct due to drug abuse, discreditable involvement with civil authorities, and pattern of misconduct. You waived your rights to consult with counsel, submit statements, and to request a hearing before an administrative separation board.

9. On 18 November 1987, you commenced another period of UA. In the interim, on 10 December 1987, your commanding officer (CO) recommended to the Separation Authority (SA) that you should receive an under Other Than Honorable conditions (OTH) discharge characterization. Your CO's recommendation stated, in pertinent part:

CECN [V] reenlisted at another command and arrived here with no evidence of alcohol abuse in record; however, evidence was obtained from another CAAC that an alcohol problem did exist. Had he been at this command, and these facts known by me, I would not have reenlisted him. I do not view ██████████ as a vital, productive part of the U.S. Navy nor do I recommend him for retention in the Naval Service. I strongly recommend discharge under other than honorable conditions.

10. Your UA terminated after fifty-one (51) days on 8 January 1988. On 14 January 1988 the SA approved and directed your discharge as recommended. On 22 January 1988, you were so discharged from the Navy.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that:

1. You respectfully request the Board's consideration of your circumstances and the growth you have made since your discharge.
2. You remain committed to bettering yourself and contributing positively to society.
3. You were experiencing significant marital problems and turned to alcohol.
4. You were involved in an accident that resulted in serious injury. Despite being restricted to light duty, you pushed yourself and engaged in prohibited physical activity that resulted in NJP. This led to further misconduct.
5. You suffered from post-traumatic stress disorder and other mental health conditions based on your selection of those boxes on your application.
6. You have achieved post-service success as an Electrical Apprenticeship Program instructor and Certified Electrical Contractor.

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 of mitigation, the Board noted you did not deny committing the misconduct that formed the basis of 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, because you raised the issue of mental health, 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 fact you provided no medical evidence in support of your claim and did not respond to a request for supporting evidence from the Board. 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 a mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion. 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 of marital difficulties and related alcohol issues, the totality of your service, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your post-service record of accomplishments, your candor and remorse, your claimed mental health issues, your advanced age, 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 determined that illegal drug use and/or alcohol abuse is contrary to military core values and policy, renders such service members unfit for duty, and poses an unnecessary risk to the safety of their fellow Sailors. Further, 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. 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, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. While the Board commends you for your post-service accomplishments and appreciates your expression of remorse, 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,

3/25/2026

