



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

██████████
Docket No. 7757-25
Ref: Signature Date

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Dear ██████████

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 13 April 2026. The names and votes of the panel members will be furnished upon request. Your allegations of error or injustice were reviewed in accordance with the 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), 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 also considered the advisory opinion (AO) of a qualified mental health professional. Although you were afforded an opportunity to submit an AO 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 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:

- You enlisted in the Navy Reserve and began a period of active duty on 29 August 1997. As part of your enlistment processing, you were granted a waiver for dependency and a non-minor misdemeanor (illegal possession of a firearm).

- On 18 October 1997, you were issued administrative remarks documenting your retention in the Navy despite your failure to disclose pre-service civil involvement for robbery, which was subsequently expunged. You were advised that any subsequent violations of the Uniform Code of Military Justice (UCMJ) or conduct resulting in civilian convictions could result in administrative separation under Other Than Honorable (OTH) conditions.

- On 18 March 1998, you received nonjudicial punishment (NJP) for one specification of assault, in violation of Article 128 of the UCMJ, and one specification of disorderly conduct, in violation of Article 134 of the UCMJ. Your punishment consisted of 20 days of restriction and extra duty, and forfeiture of one-half months pay per month for two months. However, the forfeiture was suspended for six months. You were also issued administrative remarks documenting your retention in the Navy, your conduct deficiencies, and advising you that any further misconduct could result in additional administrative action.

- On 23 June 1998, the suspended punishment awarded at your NJP was vacated. On that same date, you received a second NJP for larceny of personal property, in violation of Article 121 of the UCMJ. Your punishment consisted of reduction in paygrade, forfeiture of one-half months pay per month for two months, and 45 days of restriction and extra duty. Subsequently, you were offered Level III alcohol and drug dependency treatment, which you declined.

- On 1 July 1998, you were notified that you were being recommended for administrative discharge from the Navy for commission of a serious offense (COSO) and pattern of misconduct (POM), at which time you waived your right to consult with counsel and to present your case to an administrative discharge board. Your commanding officer recommended you be separated with an OTH characterization of service, which was approved by the separation authority. On 7 August 1998, you were so discharged on the basis of COSO.

In your application to this Board, you express a desire for your discharge character of service be upgraded, your reason for separation changed, and your separation code be changed. You contend that:

- You incurred Post-Traumatic Stress Disorder (PTSD) and other mental health issues during military service.

- The narrative reason for separation is erroneous and unjust because it does not accurately reflect the action or root cause of your separation from active duty.

- Administrative remarks associated with Captain's Mast, or other disciplinary actions, were separate and unrelated events occurring at different times and were not the basis for separation.

- An admission made to a Chaplain was the original basis for discharge, and not the result of a determination arising from Captain's Mast.

- Your DD Form 214 should accurately reflect your service, including your work and dedication.
- You were informed by administration that your discharge would be upgraded to General (Under Honorable Conditions) (GEN) upon submission of appropriate paperwork, as you qualified for such characterization and a GEN discharge appropriately reflects your overall duty performance, which was satisfactory with some issues and consistent with that assigned to similarly situated service members.

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. The Board noted you did not deny committing the misconduct that formed the basis of your administrative separation and OTH discharge. While the Board considered your contentions regarding the basis for your administrative separation, it noted you did not provide any evidence, other than your statement, to substantiate the existence of an error. In fact, your commanding officer's endorsement to your separation specifically identified your two NJPs as the basis for your administrative separation processing. Therefore, the Board determined the presumption of regularity applies to your OTH discharge for COSO¹ and no error exists with your record.

Based on your assertions that you incurred PTSD and other mental health conditions, which may have contributed to the circumstances of your separation from service, a qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO on 2 January 2026. The AO stated in pertinent part:

There is no evidence that he suffered from any mental health condition or symptoms while in service. He did not cite any mental health problems or concerns during any separation proceedings. He did not submit any medical evidence in support of his claims. His personal statement is not sufficiently detailed to provide a nexus between any mental health condition or his 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, "Based on the available evidence, it is my clinical opinion that there is insufficient evidence of PTSD or any mental health condition that existed in service. There is insufficient evidence to attribute his misconduct to any 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 you provided no medical evidence in support of your claim. Additionally, even applying liberal

¹ Along with your assigned separation code.

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. 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 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, the Board also considered the totality of the circumstances to determine whether equitable relief was 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 and change to your reason for separation and separation code, your contentions, the totality of your service to include service highlights, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your claimed mental health issues, the evidence you provided in support of your application, 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. 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. In making this finding, the Board also noted that there is no provision of federal law or in Navy and Marine Corps regulations that allows for a discharge to be automatically upgraded after a specified number of months or years. While the Board considered the length of time since your misconduct, they determined the severity of your misconduct outweighed any mitigation resulting from it. Ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice. Based on the same rationale, the Board also determined your reason for separation and separation code remain appropriate.

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,

5/19/2026

