



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

██████████  
Docket No. 7792-25  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF ██████████, USN,  
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. §1552  
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)  
(c) USECDEF Memo of 25 Aug 2017 (Kurta Memo)  
(d) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments  
(2) Naval record (excerpts)  
(3) Advisory opinion of 5 Jan 26

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting for an upgrade of his characterization of service and change to his reason for separation to "medical." Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████ and ██████████, reviewed Petitioner's allegations of error and injustice on 24 February 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies to included references (b) through (d). Additionally, the Board considered enclosure (3), an Advisory Opinion (AO) furnished by a qualified mental health provider. Although Petitioner was provided an opportunity to comment on the AO, he chose not to do so.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although the enclosure was not filed in a timely manner, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 12 May 1988. After a period of continuous Honorable service, Petitioner immediately reenlisted on 7 February 1992.

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d. On 8 June 1992, Petitioner received non-judicial punishment (NJP) for dereliction of duty and making a false official statement. On 7 September 1992, Petitioner was in an unauthorized absence (UA) status for six hours.

e. In October 1992, Petitioner was diagnosed with Alcohol Dependence and Borderline Personality Disorder with Antisocial Traits.

f. On 29 January 1993, Petitioner was notified of administrative separation processing for misconduct commission of a serious offense and convenience of the government due to his diagnosed personality disorder. The Petitioner waived his rights and 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 CO's recommendation and order Petitioner separated on the basis of commission of a serious offense. Petitioner was so discharged on 30 March 1993. Upon his discharge, Petitioner was issued a DD Form 214 that documented only his second enlistment period of 7 February 1992 to 30 March 1993. His record did not contain a separate DD Form 214 documenting his first period of continuous Honorable service from 12 May 1988 to 6 February 1992.

g. Petitioner contends that he has PTSD and still struggles with his mental health. Petitioner also contends that he was also an alcoholic and feels this contributed to his behaviors.

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 evidence that the Petitioner was diagnosed with an Adjustment Disorder and Personality Disorder in service. An Adjustment Disorder varies from a primary mental health condition such that symptoms are expected to resolve once external stressors are removed. His anecdote in service is consistent with situationally induced stressors. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. He did not submit any medical evidence in support of his claim. 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 mental health condition that existed in service. There is insufficient evidence to attribute his misconduct to any mental health condition."

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's record warrants partial relief. Specifically, as previously discussed, the Board

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determined Petitioner's DD Form 214 fails to correctly document Petitioner's service, to include his continuous Honorable service from 12 May 1988 through 6 February 1992, and requires correction.

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

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 and his contention he suffered from PTSD at the time, the Board noted Petitioner did not deny committing the misconduct that formed the basis for his administrative separation and OTH discharge. Further, the Board found no evidence to support Petitioner's contention that he was unfit for continued naval service at the time of his discharge based on PTSD. Petitioner's record only indicates a diagnosis of alcohol dependence and personality disorder. The Board considered that neither of those conditions are qualifying disability conditions under the Department of Defense Disability Evaluation System. Additionally, the Board noted that Petitioner's misconduct based administrative separation would have superseded any potential disability processing. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

However, because Petitioner raised the issue of mental health, the Board also 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 Petitioner 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 claim. 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 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 Petitioner's misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of his serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

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, Petitioner's contentions, the totality of his service, the non-violent nature of Petitioner's misconduct, Petitioner's relative youth and immaturity at the time of his misconduct, Petitioner's claimed mental health issue, 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 Petitioner's misconduct far outweighed all of the mitigating factors combined. In particular, the Board believed that it would be unjust

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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. While the Board noted that flawless service is not required to receive a General (Under Honorable Conditions) or Honorable characterization of service, the nature and gravity of Petitioner's misconduct led them to conclude that his service was neither. 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.

Based on the same rationale, the Board found no basis to grant Petitioner's request for a change to his reason for separation. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct to merit any additional relief.

#### RECOMMENDATION:

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

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 30 March 1993, to reflect the following comment added to the Block 18 Remarks section:

“CONTINUOUS HONORABLE ACTIVE SERVICE FROM 880512 UNTIL 920206.”

Additionally correct Blocks 12 a-h to document Petitioner's period of continuous Honorable service.

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.

3/9/2026

