

[REDACTED]

[REDACTED]

[REDACTED]

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.

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 enlisted in the Navy and began active duty on 27 March 1996. As part of your enlistment processing, you received waivers for pre-service drug and alcohol use.
2. On 1 October 1996, you were placed on a Level I/Impact program for suspected alcohol abuse.

3. On 27 Feb 1997, received non-judicial punishment (NJP) willfully disobeying a lawful order from a Senior Chief Petty Officer, and being incapacitated for the proper performance of your duties.

4. You were medically screened again and recommended for Level II treatment. However, you signed an Administrative Remarks Counseling refusing treatment.

5. Consequently, you were notified of pending administrative separation proceedings using notification procedures by reason of misconduct due to commission of a serious offense and alcohol abuse rehabilitation failure. You were informed that the least favorable characterization of service you may receive is General (Under Honorable Conditions) (GEN). You waived your rights to consult with counsel and to submit a statement.

6. Ultimately, the separation authority approved your separation with a GEN characterization of service by reason of commission of a serious offense and you were so discharged on 19 March 1997.

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

1. You were seeking help and treatments for post-traumatic stress disorder (PTSD) and sexual abuse, which was not adequately provided due to the early discharge.

2. The options provided were not made clear, and believe your status is worth consideration

3. You feel you should be honorably discharged because none of your actions should have warranted any other type.

4. The Captain had recently lost his son to an alcohol related accident and was very stringent to any other related offenses.

5. You believed it was your fate and were rushed to sign away at the first options.

6. You were seeking help for many years, leaving the Navy is something that haunts you daily, and you wish you could have received the help you needed during your enlistment.

7. The status change would make the world of difference for you and your ability to move on with your life.

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 and alcohol rehabilitation failure. The Board noted you did not deny committing the misconduct that formed the basis of your administrative separation and

GEN 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 also requested an AO. As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an advisory opinion (AO) on 6 January 2026. The AO stated in pertinent part:

There is no evidence that the Petitioner was diagnosed with or suffered from any mental health condition or symptoms. He submitted post-service evidence of treatment for PTSD related to childhood trauma; however, he did not mention any psychological/mental health issues during his enlistment physical. His personal statement is not sufficiently detailed to provide a nexus between any mental health condition and 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 considered clinical opinion that there is insufficient evidence of PTSD or any other mental health condition that existed in service. There is insufficient evidence to attribute his misconduct to PTSD or 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 your enlistment documents did not mention any preexisting conditions you currently contend. 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.

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, the totality of your service, your need for veterans' benefits, 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 rehabilitation efforts, your current mental health issues, the evidence you provided in support of your application, and the passage of time since your discharge.

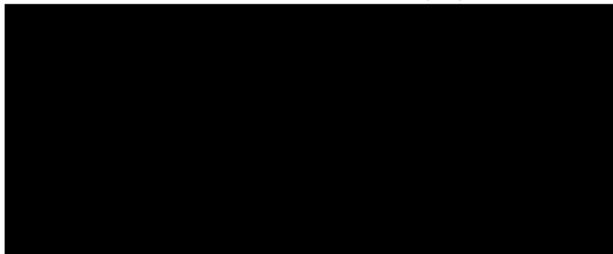
The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of your misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given opportunities to correct your conduct deficiencies but chose to continue to commit misconduct and refused further assistance, which led to your GEN 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 was not persuaded by your arguments that you received insufficient assistance for your mental health issues since you denied the existence of any issues on your enlistment processing and refused alcohol rehabilitation treatment when offered. The Board found no evidence that you did not understand your treatment options or that your conduct was not sufficiently serious to support your separation.¹ 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. Further, the Board found that you already received significant clemency when the Navy used notification procedures that resulted in your GEN characterization of service. The Board determined you were fortunate to receive a GEN characterization despite possessing a record of misconduct that typically results in an Other Than Honorable discharge. Finally, while the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of your misconduct led them to conclude that your service was not Honorable. Therefore, the Board did not find an upgrade of your discharge to Honorable to be warranted in the interests of justice.

Accordingly, given the totality of the circumstances, the Board determined 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,

3/30/2026



¹ Your Article 92 offense qualified as serious offenses under the MILPERSMAN since a punitive discharge is authorized for disobeying a lawful order under the Uniform Code of Military Justice.