



processing. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

3. On 16 April 1990, you were issued Page 13 counseling regarding unauthorized absences and failure to obey rules, regulations, and orders. You were again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

4. On 26 April 1990, you received non-judicial punishment (NJP) for unauthorized absence (UA). You were disenrolled from the Nuclear Power Training Program for demonstrated unreliability, issued another Page 13 counseling concerning deficiencies in your performance and/or conduct, and again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

5. On 27 May 1990, you joined your ship for duty.

6. On 17 May 1991, you were UA for thirty minutes. On 23 September 1991, you were UA for an hour.

7. On 12 November 1992, you self-referred to the Emergency Department for intermittent suicidal ideations in the context of a marital dispute. You were admitted for psychiatric evaluation and treatment from 12 November 1992 to 18 November 1992. You were discharged with a diagnosis of adjustment disorder (resolving) and determined to be fully responsible for yourself and your actions.

8. On 12 February 1993, you were referred to medical by the chaplain who had been counseling you for marital problems. You were determined to be fit for full duty with continued counseling recommended and no psychiatric follow-up required.

9. On 6 April 1993, you were UA for six hours. On 22 April 1993, you received NJP for the UA. You were issued Page 13 counseling concerning deficiencies in your performance and/or conduct and were again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

10. On 23 April 1993, you were treated at medical for hitting your head on an unknown object in berthing. You received two stitches and denied loss of consciousness.

11. On 3 May 1993, you presented at sick call for falling asleep on duty, indicating you had not been sleeping well at night and did not like your job. You were assessed to be suffering from situational stress.

12. On 11 May 1993, you received NJP for three specifications of UA from restricted muster. On 19 July 1993, you received NJP for willful dereliction of duty.

13. Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to

commission of a serious offense and pattern of misconduct. You waived your rights to consult counsel or have your case heard by an administrative discharge board. The separation authority subsequently directed your discharge with an OTH characterization of service and you were so discharged on 30 July 1993.

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

1. Stress of being in a hostile location, operational tempo, martial problems, and insomnia resulted in missed duty times.
2. Although you were admitted for stress reaction and insomnia in 1992, you weren't helped further.
3. You endured head injuries which were not followed-up on and could be linked to traumatic brain injury (TBI).

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 admitted to 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 and TBI, 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 AO on 30 December 2025. The AO stated in pertinent part:

Petitioner contends he incurred Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), and other mental health concerns during military service, which may have contributed to the circumstances of his separation from service.

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated, including during an inpatient hospitalization. He received a diagnosis of an adjustment disorder, typically considered to be a transient mental health condition that resolves once the stressor is removed. Upon discharge from the hospital, the adjustment disorder was noted to be resolving and the Petitioner did not receive the diagnosis at later evaluations or report the symptoms upon separation from service.

While there is evidence of a head injury in service, there is insufficient evidence of residual symptoms that would be consistent with TBI. The Petitioner has provided no medical evidence to support his claims.

There is no evidence of a diagnosis of PTSD and he has provided no medical evidence to support his claims.

Unfortunately, there is insufficient evidence to attribute his misconduct to a mental health condition. More weight has been given to the in-service mental health evaluations and the Petitioner's denial of mental health symptoms at separation.

The AO concluded, "Based on a review of all available evidence, it is my considered clinical opinion that there is in-service evidence of mental health concerns that may be attributed to military service. There is insufficient evidence of PTSD or TBI. There is insufficient evidence that his misconduct may be attributed to TBI, PTSD, or a mental health condition."

In response to the AO, you provided a personal statement that supplied additional clarification of the circumstances of your case, stating: "If the criteria is not met for PTSD and there is beyond a reasonable doubt for TBI, I would like to file my service-connected adjustment disorder as 'Other mental health.'" 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 TBI, and to the effect that these conditions 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 sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and your in-service medical records. However, 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. 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, your contentions, the totality of your service to include service highlights, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your 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 its findings, the Board disagreed with your contention that your misconduct was minor because it only involved periods of UA. The cumulative negative effect of your conduct was evident based on the comments of your commanding officer in his endorsement to your administrative separation. He stated, “[You] have been an administrative burden to his department and this command. His presence is detrimental to morale and good order and discipline onboard [REDACTED]” Thus, while the Board acknowledged the personal difficulties you may have endured, ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

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,

4/21/2026

