



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 2220

█  
Docket No. 7879-25  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552  
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)  
(c) USD Memo of 25 Aug 17 (Kurta Memo)  
(d) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Advisory Opinion of 8 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 an upgrade of his characterization of service.

2. The Board consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 2 March 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies including references (b) thru (d). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional. Although Petitioner was provided an opportunity to respond to 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 enclosure (1) was not filed in a timely manner, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the Navy and began a period of active duty on 18 August 1989. On 22 October 1992, Petitioner, was advised that he failed to meet physical readiness standards due

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to being overweight. Consequently, Petitioner was counseled concerning the Navy's weight requirements. On 17 December 1992, Petitioner was advised that he failed to meet physical readiness standards due to being overweight. Consequently, he was enrolled in the command's monitored "Body Fat Program." However, on 17 December 1992, Petitioner was honorably discharged by reason of immediate reenlistment. The Board found no Certificate of Release from Active Duty (DD Form 214) documenting this period of active duty.

d. On 18 December 1992, Petitioner began a second period of active duty. Between 30 August 1993 and 4 April 1994, Petitioner was advised that he failed to meet physical readiness standards due to being overweight and failing the PRTs height and weight, and the body fat cycle for the second time. Subsequently, Petitioner was examined by a medical officer who concluded that there were no medical conditions precluding him from meeting the prescribed height and weight standards. On 21 June 1995, Petitioner was advised that he failed to meet physical readiness standards due to being overweight and failing the PRTs height and weight, and the body fat cycle for the second time. Subsequently, Petitioner was examined by a medical officer who again concluded that there were no medical conditions precluding him from meeting the prescribed height and weight standards.

e. On 13 November 1995, Petitioner was notified of the initiation of administrative separation proceedings by reason of weight control failure, at which point, he decided to waive his procedural rights. On 15 November 1995, the Petitioner's commanding officer recommended a General (Under Honorable Conditions) (GEN) characterization of service by reason of weight control failure. On 15 November 1995, the separation authority approved and ordered a GEN discharge characterization by reason of weight control failure. On 28 November 1995, Petitioner was so discharged. His overall trait average for his second enlistment period was 2.9. Upon his discharge, Petitioner was issued a DD Form 214 that only documented his second enlistment period and did not annotate his period of continuous Honorable service.

f. Petitioner contends his weight control failure was the result of untreated depression and Post Traumatic Stress Disorder (PTSD) symptoms during assignment in ██████████. He believes PTSD was not recognized or supported by the Navy at that time. Petitioner contends while assigned in ██████████ from 1994 to 1995, he struggled with severe emotional distress, isolation, and depression. Petitioner states he turned to food and alcohol as a coping mechanism, resulting in gaining weight and untimely being discharged. Petitioner claims the Navy had no real mental health support and his condition was never evaluated. Petitioner claims he recently became aware of via VA.gov, and DAV guidance, that PTSD-related discharges can be review under DOW guidance. Petitioner asserts in February 2025, he underwent a mental health screening in which he described the depression and stress he had experienced while stationed in ██████████ and during the ██████████, including seeing bodies in the water. Petitioner states the psychologist noted his report of service-related depressive symptoms and issued a diagnosis of depressive disorder.

g. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and provided the Board with enclosure (3). The AO stated in pertinent part:

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There is no evidence that the Petitioner was diagnosed with or suffered from any mental health condition/symptoms while in service. He did not submit any medical evidence in support of his claim. His personal statement is not sufficiently detailed to provide a nexus between a 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, "it is my clinical opinion that there is insufficient evidence of a diagnosis of 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 the evidence of record, the Board determined Petitioner's request warrants partial relief. Specifically, as described above, the Board determined Petitioner's record does not contain a DD Form 214 that documents his period of continuous Honorable service from 18 August 1989 to 17 December 1992.

Notwithstanding the recommended corrective action, the Board determined Petitioner's assigned characterization of service remains appropriate.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of weight control failure. While the Board carefully considered Petitioner's contention that he believes his weight issues were related to a mental health condition, the Board noted Petitioner did not contest the determination he was out of standards. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

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 he 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 his weight issues were 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.

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 desire for an upgrade to his characterization of service, his contentions, the totality of his service, his need for veterans' benefits, his relative youth and immaturity at the time of his service, the negative effect his discharge has had on his

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life, his rehabilitation efforts, his claimed mental health issues, 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, once the Board determined there was no nexus between his weight control issues and his mental health, the Board found the circumstances of Petitioner's case were similar to countless other service member's who were unable to maintain weight control standards.

Accordingly, given the totality of the circumstances, the Board determined Petitioner's request for a discharge upgrade does not merit relief.

RECOMMENDATION:

That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215), for the period ending 28 November 1995, to reflect the following changes:

Block 12a. Date Entered AD This Period section: "89 AUG 18"

Block 18 Remarks section: "CONTINUOUS HONORABLE SERVICE FROM 18AUG1989 TO 17DEC1992."

Navy Personnel Command shall make necessary corrections to Blocks 12c. through 12g. based on the Block 12a. and Block 18 recommended changes.

That no further changes be made to Petitioner's record.

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 Regulations, 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/20/2026

