



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

█
Docket No. 8076-25
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF █ USN,
█

Ref: (a) 10 U.S.C. § 1552
(b) USD Memo, 25 Aug 17 (Kurta Memo)
(c) USECDEF Memo, 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion dated 4 January 2026

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting that his discharge be upgraded to Honorable. Enclosures (2) through (4) apply.
2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 17 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 include references (b) and (c). Additionally, the Board also considered enclosure (4), an advisory opinion (AO) from a qualified mental health professional, and Petitioner's response to the AO.
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 commenced a period of active duty on 22 March 1993. On 16 June 1994, he received non-judicial punishment (NJP) for wrongfully consuming alcohol

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[REDACTED]

while under the age of 21. Subsequently, a psychological evaluation diagnosed him with an Adjustment Disorder with depressed mood and a Personality Disorder.

d. Petitioner was notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and convenience of the government on the basis of his diagnosed personality disorder. After he waived his rights, Petitioner's commanding officer (CO) forwarded his package to the separation authority (SA) recommending his discharge with a General (Under Honorable Conditions) (GEN) characterization of service. The SA approved the CO's recommendation for the basis of commission of a serious offense and Petitioner was so discharged on 1 September 1994.

e. In his application, Petitioner asserts he incurred mental health conditions during military service, he was experiencing depression and hopelessness, and his psychiatric evaluation did not fully consider the content of his mental issues. He further contend he has demonstrated commitment to personal growth and community service, earned a degree, taught at a university, and worked at a consulting firm. For purposes of clemency and equity consideration, the Board considered the totality of his application; which consisted of his DD Form 149 and the evidence he provided in support of it.

f. Based on Petitioner's assertion of having mental health issues, enclosure (4) was requested and reviewed. It 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. This diagnosis appears consistent with what he told the examining psychologist (suicidal ideations are dependent upon then Navy 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 by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. Unfortunately, he has provided no medical evidence to support his claims. His in-service misconduct appears to be consistent with his diagnosed Adjustment and Personality disorders, rather than evidence of another mental health condition incurred in or exacerbated by military service. 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 sufficient evidence of diagnoses of Adjustment Disorder and Personality Disorder in service. There is insufficient evidence to attribute his misconduct to a primary mental health condition."

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In response to the AO, Petitioner submitted a personal statement that provided additional information regarding the circumstances of his case. After reviewing the rebuttal evidence, the AO remained unchanged.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. The Board notes Petitioner's disciplinary infraction and does not condone his misconduct. However, the Board determined Petitioner's misconduct to be relatively minor in nature and insufficient to support a commission of a serious offense reason for separation. Rather, the Board found that Petitioner's diagnosed personality disorder was a more appropriate reason for separation. Therefore, in light of reference (c), after reviewing the record holistically, given the totality of the circumstances, and purely as a matter of clemency and equity, the Board determined Petitioner's reason for separation of "Misconduct" should be changed to "Secretarial Authority," along with consistent changes to his separation authority and separation code.

Notwithstanding the recommended corrective action below, 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 misconduct and diagnosed personality disorder. While the Board carefully considered Petitioner's contention for mitigation, the Board noted he did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that Petitioner committed the misconduct that formed the basis of your administrative separation and no error exists with his GEN characterization of service.

However, because Petitioner raised the issue of mental health, the Board also considered the AO and 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 Kurta Memo. Applying such liberal consideration, the Board found sufficient evidence of a diagnosis of mental health condition, i.e. his personality disorder, that may be attributed to military service. This conclusion is supported by the AO. However, 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, other than his personality disorder. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and concurred with the AO that Petitioner's behavior appears consistent with his diagnosed personality and adjustment disorders.

In addition to applying liberal consideration to Petitioner's claimed mental health condition and its potential effect upon his conduct in accordance with the Kurta Memo, 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 his misconduct, Petitioner's relative youth and immaturity at the time of his

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misconduct, Petitioner's post-service record of accomplishments, Petitioner's 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, 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 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. Therefore, the Board did not find an upgrade of Petitioner's discharge to Honorable to be warranted in the interests of justice. While the Board noted that flawless service is not required to receive an Honorable characterization of service, after weighing Petitioner's misconduct against the brevity of his service, it concluded that his service was not Honorable.

Finally, the Board concluded that Petitioner's reentry code remains appropriate based on his unsuitability for further military service. Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new "Certificate of Release or Discharge from Active Duty" (DD Form 214), for the period ending 1 September 1994, to reflect that Petitioner was discharged with a narrative reason for separation of "Secretarial Authority," SPD code of "JFF," and separation authority of "MILPERSMAN 1910-164."

That no further changes be made to the 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

2/26/2026

