



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 2220

█
Docket No. 8097-25

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 13 Sep 14 (Hagel Memo)
(c) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

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 a discharge characterization upgrade. Enclosure (2) applies.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 10 February 2026 and, pursuant to its regulations, determined 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, applicable statutes, regulations, and policies to include references (b) and (c).

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 Board determined it was in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 17 September 1986. After a period of continuous Honorable service, Petitioner immediately reenlisted and began a second period of active duty service on 22 June 1991.

d. On 12 November 1991, it recommended that Petitioner received a special mark in his evaluation report reflecting his unreliability due to failure to pay just debt.

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e. On 11 March 1992, Petitioner received nonjudicial punishment (NJP) for eight instances of indebtedness by dishonorably failing to pay and eight instances of indebtedness by writing checks and failing to maintain insufficient funds. Consequently, Petitioner was counseled concerning his failure to pay just debt and irresponsible financial behavior. Petitioner was advised that failure to take corrective action could result in administrative separation.

f. On 14 April 1992, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense. Petitioner decided to waive his procedural rights and his commanding officer recommended Petitioner be separated with an Other Than Honorable (OTH) discharge characterization of service. The separation authority approved the recommendation and Petitioner was so discharged on 23 July 1992. Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate his period of continuous Honorable service from 17 September 1986 to 21 June 1992.

g. Petitioner contends at the time of his discharge, he had a series of events that lead to the trouble he was getting into. Petitioner claims at a very young age, his wife cheated on him and left him, and she was threatening to taking his kids away from him. Petitioner states his mother was hospitalized and later passed away. Petitioner claims he loved his country and served as a great Sailor until trauma affected his life. Petitioner asserts there is nothing wrong in seeking to apply for benefits.

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 DD Form 214 fails to annotate Petitioner's period of continuous Honorable service from 17 September 1986 to 21 June 1992 and requires correction.

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. While the Board carefully considered Petitioner's contention for mitigation, the Board noted Petitioner 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 his administrative separation and no error exists with his OTH characterization of service.

The Board also applied liberal consideration to Petitioner's claim that he suffered from Post-Traumatic Stress Disorder (PTSD), and to the effect that this condition may have had upon the conduct for which Petitioner was discharged in accordance with the Hagel Memo. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to Petitioner's military service. This conclusion is supported by the fact Petitioner provided no medical evidence in support of his claims. Additionally, even

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applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by his mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and determined the financial nature of his misconduct was not the type of conduct associated with PTSD. 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 Petitioner's 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 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 Petitioner's service, Petitioner's need for veterans' benefits, the non-violent nature of his misconduct, Petitioner's relative youth and immaturity at the time of his misconduct, the negative effect Petitioner's discharge has had on his life, Petitioner's claimed mental health issues, Petitioner's advanced age, and the passage of time since Petitioner's 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 found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed he was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct, which led to his OTH discharge. Petitioner's conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. Further, the Board also noted that Petitioner provided no evidence, other than his personal statement, to substantiate his contentions. Finally, 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 General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice.

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

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 23 July 1992, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE SERVICE FROM 17SEP1986 TO 21JUN1991."

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

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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.

2/22/2026

