



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

██████████
Docket No. 8105-25
Ref: Signature Date

████████████████████
████████████████████
████████████████████

Dear Petitioner:

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 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.

A three-member panel of the Board, sitting in executive session, considered your application on 6 May 2026. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), and the 4 April 2024 guidance from the Under Secretary of Defense for Personnel and Readiness relating to the consideration of cases involving both liberal consideration discharge relief and fitness determinations (Vazirani Memo) (collectively the "Clarifying Guidance"). The Board also considered the 7 October 2025 advisory opinion (AO) furnished by the Navy Office of Legal Counsel (BUPERS-00J). The AO was provided to you on 2 March 2026, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

A review of your record shows that on 6 July 2021, you commenced active-duty service with the U.S. Navy, following prior periods of service with the active Navy and Navy Reserve.

Regarding your medical record, on 22 April 2024, you were referred to the Disability Evaluation System (DES) to determine whether a longstanding left shoulder injury (post-traumatic osteoarthritis and biceps tendinitis) rendered you unfit for continued service. The record reflects that you originally suffered the injury in 2022 during a training exercise. You completed a long course of conservative and then surgical treatment, but you continued to complain of shoulder pain and stiffness. In the narrative summary associated with your DES referral, your provider wrote:

After failing nonoperative treatment[,] he underwent surgical treatment [of] the left shoulder with a biceps tenodesis and chondroplasty. This was performed in February 2024. He is unable to complete his job in his current rate and unable currently to

complete a PRT . . . may improve in the postop state[,] but [his] arthritis [is] likely to worsen over time.

Nine months after your DES referral, on 10 January 2025, the Informal Physical Evaluation Board (PEB) found you unfit for service due to your DES-referred conditions at a combined disability rating of 20%. One week later, you accepted the Informal PEB's findings, and on 30 January 2025, the PEB requested that the Chief of Naval Personnel (CNP) effect your separation with severance.

Regarding your disciplinary record, on 31 July 2024, you pleaded guilty at Special Court-Martial to violations of Uniform Code of Military Justice (UCMJ) Article 107 for making false statements to Naval Criminal Investigative Service (NCIS) agents regarding the authenticity of official documents. As components of your plea deal, you: (1) were awarded a reduction in rank to E-1; (2) agreed to forfeit one-half month's pay for six months; and (3) waived your right to an administrative separation (ADSEP) board relating to the charges to which you pleaded guilty, provided that your ensuing ADSEP notification indicated that you would not be separated with a less favorable characterization of service than "General (Under Honorable Conditions)."

During the ADSEP process arising from your court-martial conviction, you provided documentation to your command that you had been diagnosed with post-traumatic stress disorder (PTSD), a fact that, by Navy policy regarding dual processing for medical and disciplinary separations, elevated the Separation Authority regarding your case to CNP. In June 2025, CNP approved your ADSEP (i.e., in lieu of your disability separation via the DES), and you were discharged for "Misconduct – Serious Offense" with a General (Under Honorable Conditions) characterization of service.

In your application to this Board, you requested that your naval records be changed to reflect: (1) disability separation with severance; (2) a narrative reason for separation and separation code consistent with disability separation with severance; (3) a re-enlistment code of RE-3; (4) an upgrade to an Honorable characterization of service; (5) reinstatement of E-5 rank; and (6) removal of all derogatory information from your Official Military Personnel File (OMPF), including regarding your 31 July 2024 Special Court-Martial conviction. You contend that your discharge for misconduct was unjust and inequitable because it was based upon claims that your former spouse fabricated and later recanted. You contend that your command pursued your ADSEP despite its knowledge that your former spouse admitted that her claims against you were false. Finally, you contend that an Admiral who previously supported your ADSEP now supports the relief you request from the Board.

The Board notes that, in evaluating the official actions of public bodies and officers, it is bound to employ the presumption of regularity. Under that presumption, in the absence of substantial evidence to the contrary, the Board will presume that such public bodies and officers have properly discharged their official duties.

The Board carefully reviewed your application, supporting materials, and military record and ultimately concluded that you failed to meet your burden to prove, by a preponderance of the evidence, that the Navy's actions at the time of your discharge were erroneous (i.e., that the actions materially departed from then-applicable processes or standards, or that judgments made in the course of those actions were irrational) or unjust (i.e., that the actions, though not erroneous, were unjust under the particular circumstances of the case, either at the time or in retrospect).

In reaching its decision, the Board fully considered the Clarifying Guidance and employed the analytical framework outlined in the Vazirani Memo. Under that framework, the Board first applies

liberal consideration to contentions that a mental health condition potentially contributed to the circumstances resulting in discharge to determine whether any discharge relief is appropriate. After making that determination, the Board then separately assesses claims of unfitness for continued service due to a medical condition (including a mental health condition) as a discreet issue, without applying liberal consideration to the unfitness claim or carryover of any of the findings made when applying liberal consideration.

Thus, the Board began its analysis by examining whether a mental health condition excused or mitigated your discharge. Regarding your discharge, the Board observed that on 27 June 2025, you were ADSEPed for misconduct and given a General (Under Honorable Conditions) discharge under the terms of your plea deal at Special Court-Martial. At court-martial, you admitted to committing the offenses with which you were charged—namely, making false statements to NCIS agents. However, you contend that your former spouse recanted charges against you regarding falsification of a Leave and Earnings Statement, and, with your application to the Board, you submitted a letter from your former spouse purporting to take responsibility for your false statements to NCIS. In further support of your case, you offer a letter from Admiral R., Commander, Navy Region Southwest, purporting to encourage the Board to correct your record as you have requested.

With this background, the Board noted that it is required to evaluate whether a mental health condition sufficiently excused or mitigated your actions as to justify an upgrade to your characterization of service. Here, however, you have offered no explanation, and the evidence of record fails to show, that the misconduct for which you were discharged is in any way related to your PTSD diagnosis or symptoms. The record reflects that you, voluntarily and under oath, pleaded guilty to making false statements to NCIS agents and, as a consequence, agreed to accept a General discharge via ADSEP. You do not contend, and the evidence of record does not show, that either your false statements to NCIS, or your guilty plea to making them, were caused by or in any way related to symptoms of PTSD from which you may have been suffering at the time of those actions. Further, an investigation into your letter of support from Admiral R., conducted by the Office of Legal Counsel (BUPERS-00J), also revealed that the letter is a forgery, as confirmed by Admiral R., himself. This pattern of false statements raises significant questions regarding the reliability of the additional documents you submitted to the Board in support of your case (i.e., your former spouse's letter and polygraph result). In any event, the Board failed to identify evidence in the record sufficient to prove that symptoms of PTSD mitigated your misconduct such that your discharge should be upgraded from the General characterization of service that you voluntarily chose to accept.

On the basis of the above, even considered liberally, the Board found that you failed to meet your burden to prove, by a preponderance of the evidence, that: (1) the circumstances of your service and discharge warranted an Honorable discharge; or (2) a mental health condition sufficiently mitigated your in-service misconduct as to warrant an upgrade. The Board thus found no error in the Navy's actions.

Having found your characterization of service not to be in error, the Board turned to your contention that your ADSEP for misconduct, in lieu of disability separation with severance, was erroneous. The Board noted that because you provided documentation to your command that you had been diagnosed with PTSD, Navy policy elevated the Separation Authority in your dual processing case to CNP. The record reflects that CNP approved your ADSEP for misconduct, and the presumption of regularity compels the Board to conclude that he did so in accordance with substantive and procedural requirements applicable to such a determination.

On the basis of the above, even considered liberally, the Board found that you failed to meet your burden to prove, by a preponderance of the evidence, that CNP's approval of your ADSEP for misconduct, in lieu of disability separation with severance, was improper or unauthorized. The Board thus found no error in that respect. Further, having found your ADSEP for misconduct not to be erroneous, the Board likewise found the consequences of that misconduct (i.e., your reduction in rank, retention of documents in your OMPF memorializing your misconduct, and the assignment of a narrative reason for separation, separation code, and re-enlistment code associated with misconduct) not to be erroneous.

Finally, having found your ADSEP, in lieu of disability separation or retirement, not to be erroneous, the Board turned its attention to whether that action was unjust, despite being appropriate under then-applicable standards and procedures. Following its deliberations, the Board found that you failed to show, by a preponderance of the evidence, that the unique circumstances of your case were such that a formally correct action nevertheless resulted in injustice.

The Board then turned to the second step of the Vazirani framework for its analysis of your fitness for service. However, having found that your ADSEP, in lieu of disability separation with severance, was not erroneous or unjust, a formal determination regarding your fitness for duty is irrelevant to the fact and consequences of your administrative discharge.

In sum, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

5/18/2026

