



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████  
Docket No. 8143-25  
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 w/ enclosures  
(2) Advisory Opinion (AO) of 23 Dec 25

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 that her discharge be upgraded from Other than Honorable.

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. 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, applicable statutes, regulations, and policies, to include references (b) through (d). Additionally, the Board considered enclosure (2), an advisory opinion (AO) furnished by qualified mental health provider. Although Petitioner was provided with an opportunity to respond to the AO, she 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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 8 July 2004.

c. On 1 September 2005, Petitioner received nonjudicial punishment (NJP) for violating Uniform Code of Military Justice (UCMJ), Article 121 (larceny and wrongful appropriation). Petitioner was awarded forfeiture of \$400 pay per month for 2 months, reduction in rank (suspended for 6 months), restriction for 45 days, and extra duty for 45 days.

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d. On 1 September 2005, Petitioner received non-judicial punishment (NJP) for her violation of UCMJ, Article 121 (Larceny and Wrongful Appropriation).

e. On 26 September 2005, Petitioner was counseled for a Physical Fitness Assessment (PFA) failure for the Spring 2005 PFA Cycle.

f. On 27 October 2005, Petitioner received NJP for violating UCMJ, Article 86 (two specifications of unauthorized absence (UA)) and Article 92 (two specifications of failure to obey a lawful order). Petitioner was awarded reduction in rank (suspended for 6 months), forfeiture of \$200 pay per month for two months, restriction for 30 days, and extra duty for 30 days. On the same day, Petitioner was also counseled for the NJP and warned that further misconduct may result in disciplinary action and processing for administrative separation.

h. On 28 November 2005, Petitioner began a period of UA.

i. After her return from UA, on 4 March 2006, Petitioner requested an administrative discharge in lieu of trial by court martial.

j. Ultimately, Petitioner's request for separation from the Navy in lieu of trial by court martial was approved and she was discharged from the Navy in lieu of trial by court martial with an Other Than Honorable (OTH) characterization of service and a reenry code of RE-4.

k. Petitioner's first name on her Certificate of Release or Discharge from Active Duty (DD Form 214) is misspelled as "██████" rather than "██████" as documented on her enlistment contract and enclosure (1).

l. In her application for correction, Petitioner contends that:

(1) An upgrade to her characterization of service is warranted because at the time she was in the military, she had an unknown mental illness.

(2) While she was in the Navy, she was in an abusive relationship that resulted in her becoming addicted to controlled substances and impacted her performance of duty.

(3) She tried to take her life twice while she was in the Navy, and received mental health treatment after deployment.

(4) She is receiving mental health treatment now and was previously unaware that she could request an upgrade.

Petitioner submitted supporting information with her request for relief to include diagnostic information and character references.

m. As part of the Board's review, a qualified mental health professional reviewed Petitioner's contentions and the available records and provided the Board with enclosure (2). The AO stated in pertinent part:

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There is no evidence that she was diagnosed with a mental health condition in military service. She has provided medical evidence of a mental health condition that is temporally remote to her military service and appears unrelated. Unfortunately, available records are not sufficiently detailed to establish a nexus with her misconduct. It is possible that UA and disobedience could be considered behavioral indicators of irritability and avoidance consistent with a victim of domestic violence or prodromal symptoms of bipolar disorder. However, there is insufficient information regarding her mental health diagnosis to make such an attribution in this case, particularly given the extended time lapse between military service and mental health symptoms sufficiently interfering as to warrant treatment. Additionally, it is difficult to attribute larceny to a mental health condition. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to her misconduct) may aid in rendering an alternate opinion.

The AO concluded, "is my considered clinical opinion that there is insufficient evidence of a diagnosis of PTSD or another mental health condition that may be attributed to military service. There is insufficient evidence that her misconduct may be attributed to PTSD or another mental health condition."

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, as previously discussed, Petitioner's first name on her DD Form 214 is misspelled and requires correction.

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

The Board initially concluded that Petitioner was appropriately processed for administrative separation based on her request for an OTH discharge to escape trial by court martial. While the Board carefully considered Petitioner's contention that he innocently ingested marijuana, the Board noted she did not deny committing the offense that formed the basis of her request to be separated. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with her administrative separation or OTH characterization of service.

Further, the Board applied liberal consideration to Petitioner's claim to have developed a mental health condition and was in an abusive relationship while in the Navy, and to the effect that these condition(s)/experience(s) may have had upon the conduct for which she was discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found insufficient evidence to conclude that Petitioner had a mental health condition, to include PTSD, that could be attributed to her military service. This conclusion is supported by the AO and the fact Petitioner's medical evidence was temporally remote to her service. However, even applying liberal consideration, the Board found insufficient evidence to conclude the misconduct

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for which Petitioner was discharged is excused or mitigated by an unknown mental health condition that existed at the time of her Naval service. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and recognized the same concerns raised in the AO. 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 her 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 contentions, her relative youth and immaturity at the time of the misconduct, the negative effect the discharge may have had of her life, her contentions of abuse and post-service treatment efforts, and the passage of time since her 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 determined that the misconduct documented in Petitioner's two NJPs and her prolonged period of UA are contrary to military core values and policy, and impacted good order and discipline. Further, the Board found that her conduct showed a complete disregard for military authority and regulations. Therefore, even taking into consideration all the mitigation factors in Petitioner's case, the Board found that her misconduct while on active duty outweighed the mitigation evidence offered. 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, 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 be warranted in the interests of justice.

#### RECOMMENDATION:

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

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 25 March 2006, indicating a correction to Block 1, Name as follows:

"[REDACTED]"

No further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

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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.

3/23/2026

