

2. On 4 December 1981, you were issued an administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct, specifically for individual responsibility concerning security and safekeeping of government and personal gear.

3. On 2 March 1982, you were issued Page 11 counseling regarding involvement with civil authorities.

4. Between 24 June 1982 and 30 October 1982, you participated in three peacekeeping and evacuation operations in █.

5. On 1 March 1983, you received non-judicial punishment (NJP) for violating a base order by having alcoholic beverages in your room and for being drunk on duty. Additionally, you were issued Page 11 counseling concerning deficiencies in your performance and/or conduct and advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

6. You again participated in peacekeeping operations in █ from 29 May 1983 to 18 November 1983.¹

7. On 4 September 1984, you received NJP for assaulting a non-commissioned officer.

8. On 21 December 1984, you received NJP for wrongfully using provoking gestures, by attempting to kick a Gunnery Sergeant, and for drunk and disorderly conduct.

9. On 11 January 1985, you received NJP for being incapacitated for proper performance of duty onboard a naval vessel due to wrongful prior overindulgence in intoxicating liquor or drugs.

10. On 1 March 1985, you were issued Page 11 counseling concerning deficiencies in your performance and/or conduct, specifically a pattern of misconduct. You were again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

11. On 25 April 1985, you received a competency for duty exam where you stated you had been drinking until 0400 and were unable to wake up for duty. You were found not competent for duty due to the use of drugs or alcohol the previous night.

12. Unfortunately, some of the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214) and the Separation Authority's approval letter, you were separated on 27 June 1985 with an "Under Other Than Honorable Conditions (OTH)" characterization of service, narrative reason for separation of "Good of the Service," reentry code

¹ The Board took into consideration the U.S. Marine barracks bombing in █ occurred on 23 October 1983.

of “RE-4,” and separation code of “KFS1,” which corresponds to separation in lieu of trial by court-martial.

13. Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 20 July 2000, based on their determination that your discharge was proper as issued.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that all incidents causing non-judicial punishment occurred while under the influence of alcohol during and after Beirut service.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct and request to be discharged for the good of the service. The Board noted you did not deny committing the misconduct that formed the basis of your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

However, because you raised the issue of mental health, the Board also requested an AO. As part of the Board’s review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO on 2 January 2026. The AO stated in pertinent part:

Petitioner contends he incurred Post Traumatic Stress Disorder (PTSD) during military service, which may have contributed to the circumstances of his separation from service.

There is no evidence that he was diagnosed with a mental health condition in military service, although there is behavioral evidence of a possible alcohol use disorder. The Petitioner has submitted no medical evidence to support his claim of a diagnosis of PTSD. Unfortunately, available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with his misconduct.

The AO concluded, “Based on a review of all available evidence, it is my considered clinical opinion that there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to PTSD.”

The Board applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which you were 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 you provided no medical evidence in support of your claim. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which

you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

In addition to applying liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your desire for an upgrade to your characterization of service, your contentions, the totality of your service to include service highlights, your relative youth and immaturity at the time of your misconduct, your claimed mental health issues, the evidence you provided in support of your application, your advanced age, and the passage of time since your 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 your misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct, which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. Further, the Board also noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was likely substantial and determined that you already received significant clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial, thereby sparing you the stigma of a court-martial conviction and possible punitive discharge. While the Board acknowledged the personal difficulties you have endured based on your service in ■■■■■■■■■■, ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when

applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

4/22/2026

