



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

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Docket No. 8577-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious 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.

Although your 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 your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 23 March 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 the 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, 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), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)/mental health condition (MHC) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). The Board also considered the advisory opinion (AO) furnished by a qualified mental health professional on 5 January 2026. Although you were afforded an opportunity to submit an AO rebuttal, you chose not to do so.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the Navy and began a period of active duty on 1 August 1989.
2. On 14 May 1991, you were counseled concerning a personality disorder diagnosed as Narcissistic Personality with Passive/Aggressive traits manifested by an attempted suicide, inconsistent performance, argumentative behavior, aggressive behavior, disrespect towards

superiors, poor impulsive control, and inability to work with others. You were advised that failure to take corrective action could result in administrative separation.

3. On 26 July 1991, you received nonjudicial punishment for a period of unauthorized absence (UA) and making a false official statement.

4. On 9 July 1992, you submitted a voluntary statement claiming that you were punched in the stomach and advised not to say anything when you were verbally assaulted.

5. Between 16 July 1992 and 17 July 1992, you submitted your observations to your chain of command concerning matters that has caused problems in your ability to work effectively and perform your job as a mess management specialist.

6. On 17 July 1992, you were admitted to ██████████ a result of increased aggressiveness towards other coworkers and persecutory ideation. On 24 July 1992, you were released and diagnosed with a personality disorder, not otherwise specified, with narcissistic and passive-aggressive features. You were recommended for potential administrative separation processing based on your unsuitability for military service.

7. On 11 August 1992, you received a second NJP for disrespect towards a superior officer, simple assault, and disorderly conduct.

8. Between 13 August 1992 and 21 August 1992, you submitted three statements accusing the command of humiliating and maltreating service members, and two separate incidents involving provoking speeches and gestures from another sailor towards you.

9. On 28 August 1992, you received a third NJP for willfully disobeying a superior commissioned officer, disrespect towards a petty officer, willfully disobeying a petty officer, assault, and provoking gestures. You appealed your NJP that was later denied by the general court-martial convening authority.

10. Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct and commission of a serious offense, and convenience of the government due to your diagnosed personality disorder. You consulted with counsel and requested a case hearing by an Administrative Discharge Board (ADB).

11. On 19 January 1993, the ADB was convened and, after considering the evidence in your case, voted (3) to (0) that you committed misconduct due to all three bases and recommended you be discharged with a General (Under Honorable Conditions) (GEN) characterization of service.

12. Ultimately, the separation authority approved the ADB recommendation and ordered you be separated with a GEN discharge characterization by reason of misconduct due to commission of a serious offense. On 15 March 1993, you were so discharged.

In your application to this Board, you express a desire for your discharge character of service be upgraded and your paygrade be restored. You contend that:

1. You were assaulted by rogue members of the Army, which resulted in PTSD, as documented in your VA medical records.
2. Your discharge should be upgraded due to service connected PTSD.
3. You should have been treated with respect by your command rather than being sent to military prison for 60 days.
4. You were praised for your outstanding service and conduct, and your service was otherwise, honorable.
5. Your PTSD symptoms worsened after you were injured and transferred to the ██████████
██████████
6. False accusations were used to justify your separation, which you describe as unethical and cruel.

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. The Board considered your allegation that you were the victim of false accusations that resulted in your separation but was not persuaded your NJPs, administrative separation, and assigned GEN characterization of service were erroneous. The Board noted you provided no evidence, other than your statement, to substantiate your allegation. Therefore, the Board determined the presumption of regularity applies to your NJPs, administrative separation, and assigned characterization of service. Based on this finding, the Board found no error 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, the Board considered the AO. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated during two inpatient hospitalizations. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, 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. Post-service, the VA has granted service connection for PTSD. It is possible that mental health symptoms considered characterological in service have been re-conceptualized as symptoms of undiagnosed PTSD with the passage of time and increased understanding. However, it is difficult to attribute the

Petitioner's misconduct to undiagnosed PTSD, particularly given statements in service denying having engaged in assault. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "Based on a review of all available evidence, it is my considered clinical opinion that there is post-service evidence from the VA of 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 sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and your post-service medical evidence. However, 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 and recognized the same concerns raised in the AO. 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 claimed mental health condition and its potential effect upon your 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, your desire for an upgrade to your characterization of service, your contentions, the totality of your service, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your post-service record of accomplishments, your current mental health issues, the evidence you provided in support of your application, 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 GEN 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. The Board noted that flawless service is not required to receive an Honorable characterization of service, however, the nature and gravity of your misconduct led them to conclude that your service was not Honorable. Finally, the Board determined you

already received a large measure of clemency when the Navy decided to assign you a GEN characterization of service for conduct that would normally warrant an Other Than Honorable discharge. While the Board commends you for your post-service accomplishments and acknowledged the personal difficulties you have endured, ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice. Based on the same rationale, the Board found no basis to grant your request to change your paygrade.

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 the 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,

4/2/2026

