



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

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Docket No. 8606-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 21 April 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), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (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. Although you were provided an opportunity to respond to the AO, 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:

- You enlisted in the Marine Corps and began a period of active duty service on 13 August 1997.
- Upon commencing basic training, you tested positive for cocaine and marijuana. Consequently, you were notified that you were being recommended for administrative discharge

from the Marine Corps by reason of fraudulent enlistment due to your failure to divulge your pre-service drug abuse. You were advised of, and waived, your procedural rights, including your right to consult with military counsel and to submit a written statement. The separation authority directed your administrative discharge with an uncharacterized entry-level separation (ELS) for fraudulent enlistment due to your positive urinalysis and you were so discharged on 5 September 1997.

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

- You were discharged with an OTH characterization due to a positive urinalysis but believe this does not accurately reflect your service and the circumstances surrounding it.
- During Basic Training, you experienced a series of traumatic events, including being struck multiple times with a pugil stick, and these incidents resulted in significant head injuries that have had a lasting impact on your mental abilities and overall well-being.
- Post-discharge, you sought professional help and was diagnosed with PTSD by a state psychiatrist. You are currently undergoing treatment and taking medications to manage your condition.
- Despite your ongoing struggles with PTSD, including persistent headaches from your military injuries and challenges with anger management, you remain committed to your recovery and personal growth.
- You completed an Associates degree as a mastered license Electrician from South Texas College and look forward to building a new life.

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 positive urinalysis and assigned an uncharacterized ELS based on your time on active duty. The Board noted you do not deny committing the misconduct that formed the basis of your administrative separation or dispute your active service time. Therefore, the Board determined the presumption of regularity applies to your uncharacterized ELS 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 19 January 2026. The AO noted in pertinent part:

There is no evidence that the Petitioner was diagnosed with or suffered from PTSD while in service. Furthermore, there is no evidence of injury contained in any medical records as per his anecdote. He submitted one mental health note

indicating diagnosis of Schizoaffective Disorder that is temporally remote to service. His personal statement is not sufficiently detailed to provide a nexus between PTSD and his in-service misconduct. Additional records (e.g., active-duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) may aid in rendering an alternate opinion.

The AO concluded, "Based on the available evidence, it is my clinical opinion that there is insufficient evidence of PTSD that existed in service. There is insufficient evidence that his misconduct was caused by PTSD symptoms or any other mental health condition."

The Board applied liberal consideration to your claim that you suffered from a mental health condition as a result of an in-service traumatic event, and to the effect that this condition may have had on your discharge 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, the lack of any supporting medical evidence in your service record, and the temporal aspect of your current diagnosis. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the circumstances of your discharge was excused or mitigated by your mental health condition. In this regard, the Board noted you were discharged for drug abuse that occurred prior to your entry onto active duty and could not have been caused by an in-service traumatic event.

In addition to applying liberal consideration to your claimed service induced mental health condition and its potential effect upon your discharge in accordance with the Hagel and Kurta Memos, the Board also considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case 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, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your post-service record of accomplishments, your mental health issues, 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 your uncharacterized ELS remains appropriate. The Board noted that service regulations direct the assignment of an uncharacterized ELS for service members processed for separation, as you were, within their first 180 days of active duty. While there are exceptions to this policy, the Board found that none applied to you based on the circumstances of your separation. In reviewing the circumstances of your case, the Board was unable to discern any facts that were extraordinary or uniquely different from countless of other former service members who were discharged while in an entry-level status. While the Board acknowledged your commendable post-service accomplishments and desire for a discharge upgrade, it determined the Department of the Navy's interest in maintaining consistency in its personnel system outweigh those mitigation factors. Therefore, 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 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,

4/27/2026

