



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

Docket No. 8813-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
[REDACTED], USN, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) USECDEF Memo of 25 Aug 17 (Kurta Memo)
(d) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Naval record (excerpts)

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 an upgrade to his characterization of service to Honorable on his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 23 February 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies including references (b) through (d).

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.

b. 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.

c. Petitioner enlisted in the Navy and began a period of active duty on 12 July 2004. On 4 August 2005, Petitioner received an Evaluation Report & Counseling Record with comments indicating that he received nonjudicial punishment (NJP) for unauthorized absence (UA), failure to obey orders, and violation to the general article. The report also indicated that Petitioner was

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[REDACTED] USN, XXX-XX-[REDACTED]

a burden to the command and the Navy, did not support team effort, and required direct supervision. Petitioner was also determined to be not eligible for reenlistment due to failure to perform duties in a satisfactory manner.

d. Unfortunately, the documents pertinent to the Petitioner's administrative separation are not in his 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. Petitioner's DD Form 214 reveals that he was separated from the Navy, on 4 August 2005, with an Other Than Honorable (OTH) characterization of service, narrative reason for separation of "Failed to Perform Duties/Assignments Satisfactorily," separation code of "JHJ," and reenlistment code of "RE-4." The separation code is consistent with a discharge due to unsatisfactory performance.

e. Petitioner contends he enlisted in the Navy at age 19 with pride and a strong desire to serve. He was stationed aboard the [REDACTED] while training for Operation Iraqi Freedom. During his service, he experienced severe hazing, racism, harsh working conditions, and a toxic environment that caused significant emotional distress. Petitioner reports witnessing multiple suicide attempts among fellow sailors, which deeply affected his mental health. As a result of constant stress and sleep deprivation, he developed severe migraines that continue to affect him today. Petitioner also states that he received little to no mental health, medical, or spiritual support during this time. Following his discharge, the characterization of his separation has prevented him from accessing benefits through the Department of Veterans Affairs. He states that he continues to suffer from trauma, symptoms related to Post-Traumatic Stress Disorder, and chronic migraines. Despite these challenges, Petitioner has become a productive member of society. He is a licensed barber who has been self-employed for over ten years, serving his community while supporting his wife and daughters. Petitioner believes that if he had received proper support and evaluation during his service, the outcome of his military career would have been different, and that he was not a bad sailor but a young service member in crisis who did not receive the help he needed.

CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants partial relief.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. The Board noted Petitioner did not deny committing the misconduct that formed the basis of his administrative separation. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation.

However, the Board found two errors in Petitioner's record that require correction. First, the Board noted that Petitioner's reason for separation should be "Unsatisfactory Performance" vice "Failed to Perform Duties/Assignments Satisfactorily." MILPERSMAN 1910-156 identifies the basis for separation as "Separation by Reason of Unsatisfactory Performance." Based on this change, Petitioner's SPD code should be "LHL" vice "JHJ." Second, under MILPERSMAN

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1910-156, the lowest authorized characterization of service is General (Under Honorable Conditions) (GEN). Therefore, Petitioner's assigned OTH characterization of service requires correction to either GEN or Honorable. After considering Petitioner's brevity of service and NJP against the positive aspects of his service, the Board determined he should be assigned a GEN characterization of service.

Because Petitioner raised the issue of mental health, the Board applied liberal consideration to Petitioner's claim that he suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which he 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 fact Petitioner provided no medical evidence in support of his claim. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the conduct for which Petitioner was discharged was excused or mitigated by a mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion.

In addition to applying liberal consideration to Petitioner's claim that he suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which Petitioner was 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, Petitioner's desire for an upgrade to his characterization of service, Petitioner's contentions, the totality of Petitioner's service to include service highlights, the non-violent nature of Petitioner's misconduct, Petitioner's relative youth and immaturity at the time of his misconduct, the negative effect Petitioner's discharge has had on his life, Petitioner's rehabilitation efforts, Petitioner's post-service record of accomplishments, Petitioner's service to his community, Petitioner's claimed mental health issues, the evidence Petitioner provided in support of his application, the character reference Petitioner provided for review, and the passage of time since Petitioner's 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, as previously mentioned, the Board found the brevity of Petitioner's service combined with his NJP was too serious to be outweighed by the mitigation evidence in the record. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's misconduct led them to conclude that his service was not Honorable. 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, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Based on the same rationale and Petitioner's unsuitability for further military service, the Board also determined Petitioner's assigned reenry code remains appropriate.

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

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[REDACTED] USN, XXX-XX-[REDACTED]

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214), for the period ending 4 August 2005, that indicated he was discharged with a "General (Under Honorable Conditions)" characterization of service, narrative reason for separation of "Unsatisfactory Performance," and SPD code of "LHJ." That all other information currently listed on Petitioner's DD Form 214 remains the same.

No further changes be made to Petitioner's record.

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

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 Regulations, 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.

4/21/2026

