



Docket No. 8925-25  
Ref: Signature Date

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 27 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 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 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 Navy and commenced active duty on 1 February 1973. On 23 April 1973, you began Radioman A school and were later dropped for unwillingness to put forth necessary effort. On 11 Jun 1973, you joined [REDACTED] for duty.
- On 1 September 1973, you were issued an administrative remarks (Page 13) counseling concerning a mark of 2.8 in Professional Performance due to a constant need for supervision.

- On 28 September 1973, you received non-judicial punishment (NJP) for two specifications of unauthorized absence (UA).
- On 13 September 1974, you received NJP for disrespect toward a petty officer.
- On 5 July 1975, while onboard the ■■■■■■■■■■, you received NJP for UA.
- You reported for duty aboard the ■■■■■■■■■■ on 31 December 1975. On 24 March 1976, you received NJP for UA.
- On 29 October 1976, you were convicted at Summary Court Martial (SCM) of two specifications of UA, missing ship's movement, and failure to obey a lawful general regulation. You were sentenced to reduction in rank to E-1, restriction, and hard labor without confinement.
- On 5 November 1977, you were evaluated at medical where you were determined to be alcohol dependent and recommended for referral to the Alcohol rehabilitation center (ARC) due to alcohol-related misconduct, including UA, missing movement, and driving while intoxicated.
- On 3 January 1977, you received Page 13 counseling informing you that you were not recommended for reenlistment due to your immaturity and unsuitability to military life.
- On 6 January 1977, you received NJP for UA and disobeying a lawful order.
- On 18 January 1977, you completed your enlistment and were released from active duty with a General (Under Honorable Conditions) (GEN) characterization of service.
- Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 8 February 1983, 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 an 100% disability rating. You contend that:

- You were told your discharge would upgrade to Honorable after two years.
- You served in a war zone on the ■■■■■■■■■■ and saw Marines come back injured or dead.
- You were harassed by other Sailors and mistreated by your superiors causing your alcohol problems, which caused your misconduct.

You also checked the "PTSD" and Other Mental Health" boxes on your application but did not respond to the 22 August 2025 letter from the Board requesting evidence in support of your claim.

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

The Board initially concluded you were appropriately assigned a GEN characterization of service based on your service record. The Board noted you did not deny committing the misconduct that formed the basis of your GEN discharge. Therefore, the Board determined the presumption of regularity applies to your GEN discharge and no error exists with your record.

However, because you raised the issue of mental health, the Board also 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 received a GEN 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 fact you provided no medical evidence in support of your claim and chose not to respond to the Board's request for supporting evidence. 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, the negative effect your discharge has had on your life, your claimed mental health issues, 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 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. In making this finding, the Board determined you already received significant clemency when the Navy allowed you to complete your active duty obligation despite your extensive record of misconduct that typically resulted in administrative separation for misconduct and an Other Than Honorable discharge characterization of service. While the

Board acknowledged your claims of trauma and mental health issues, 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.

With respect to your request for a 100% disability rating, the Board noted the assignment of service connected disability ratings is a matter under the cognizance of the Department of Veterans Affairs (VA). In this regard, you should contact the nearest VA office concerning your eligibility.

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,

5/21/2026

