



- You enlisted in the Navy and commenced active duty on 18 August 1978.
- On 11 March 1981, you received non-judicial punishment (NJP) for unauthorized absence (UA) from 11 February 1981 to 16 February 1981.
- On 4 April 1981, you commenced a two hundred eighty-two-day period of UA, during which you were declared a deserter, that ended in your surrender on 11 January 1982.

- On 14 January 1982, you commenced a forty-eight-day period of UA that ended with your surrender on 3 March 1982.
- On 16 April 1982, you commenced a ten-day period of UA that ended with your surrender on 26 April 1982.
- On 26 May 1982, you were convicted at Special Court Martial (SPCM) for those three instances of specifications of UA and sentenced to reduction in rank to E-1, forfeitures, confinement, and a Bad Conduct Discharge (BCD). Subsequently, the findings and sentence in your SPCM were affirmed and you were issued a BCD on 21 June 1983.

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

- You served honorably from August 1978 until June 1980 and then went absent without leave for over a year due to PTSD.
- In 1981, you were given a choice at Captain's Mast to either be separated immediately with a BCD or serve the remainder of your enlistment and receive a General (Under Honorable Conditions) discharge.
- You served honorably from 1981 to 1983 and, if you truly had a BCD, you should have been separated in April 1981.

Additionally, the Board noted you checked the "PTSD" box on your application but did not respond to the 28 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 discharged with a BCD based on your SPCM conviction and sentence. While the Board considered your contention regarding your BCD, it was not persuaded based on documentary evidence in your record that supports the issuance of your BCD. Therefore, the Board determined the presumption of regularity applies to your BCD 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 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 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, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the harshness of your punishment, 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 BCD. 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 noted you provided no evidence, other than your statement, to substantiate your contentions. 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,

5/21/2026

