

You previously applied to this Board for an upgrade to your characterization of service where you contended that your discharge unjust because you were on deployment, were not aware of the worthless checks, your wife was responsible for the worthless checks, and you have since divorced. You did not raise any mental health issues in your initial application. The Board denied your request on 15 December 2021.

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

- You incurred PTSD and other mental health conditions during military service, which may have contributed to the circumstances of your separation from service.
- Your former wife wrote most of the checks and you unknowingly wrote checks that bounced while you were deployed.
- You were arrested and jailed for bad checks you did not write and then discharged without explanation after you asked for a couple of weeks to sort out your personal affairs.
- You believe you deserve disability benefits for service-connected disabilities.

In support of your application, you submitted a personal statement, advocacy letters, service record documents, statement to the VA, court proceedings, suitability for employment, Postal Service appraisals, certificate of appreciation, and training certificates.

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

The Board initially concluded you were appropriately discharged with an OTH based upon your record of misconduct. While the Board considered your contention that your wife wrote the majority of the worthless checks and that you were unaware that she was writing checks while you were deployed, it noted you provided no evidence, other than your statement, to substantiate your contentions. Further, the Board considered that you were found guilty at two summary courts-martial (SCM) for your misconduct. Therefore, the Board determined the presumption of regularity applies to your OTH discharge and no error exists with your record.

However, because you raised the issue of mental health, the Board also requested an AO. The AO stated in pertinent part:

There is no evidence that the Petitioner was diagnosed with or suffered from PTSD or any mental health condition/symptoms while in service. He did not submit any medical evidence in support of his claim. His personal statement is not sufficiently detailed to provide a nexus between PTSD and his misconduct. Furthermore, the details contained within his personal statement do not meet criterion A for PTSD as per DSM-V-TR guidelines.

The AO concluded, “Based on the available evidence, it is my clinical opinion that there is insufficient evidence of PTSD or any other mental health condition that existed in service. There is insufficient evidence to attribute his misconduct to PTSD or any other mental health condition.”

In response to the AO, you provided a personal statement and additional documents in support of your application. After reviewing your rebuttal evidence, the AO remained unchanged.

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 insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and the fact your medical evidence is temporally remote to your service. 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. The Board noted that your new medical evidence is temporally remote to your service and does not specify any nexus between your active duty service and diagnosis. Further, based on the inconsistencies in your contentions, the Board questioned your candor and/or reliability of recall in this matter. 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, the non-violent nature of your misconduct, your advocacy letters, your post-service rehabilitation efforts and accomplishments, 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. The Board observed that you received multiple opportunities to correct your conduct deficiencies but continued to engage in misconduct, which culminated in your SCM convictions. Your misconduct was sufficiently serious to negatively affect the good order and discipline of your command. Therefore, even taking into consideration all of the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. Finally, the Board believed that it would be unjust to characterize your less than honorable service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. While the Board acknowledged the length of time since your administrative discharge from the Marine Corps and your rehabilitation efforts, 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 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 is attached 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,

6/16/2026

