



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

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Docket No. 9655-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ■■■■■■■■■■, USN,  
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Ref: (a) Title 10 U.S.C. §1552  
(b) USECDEF Memo of 25 Aug 2017 (Kurta Memo)  
(c) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments  
(2) Naval record (excerpts)  
(3) Advisory opinion

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 for an upgrade of his characterization of service.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 26 May 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include references (b) and (c). Additionally, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional. Although Petitioner was provided an opportunity to respond to the AO, he chose not to do so.

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 regulation within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the Navy and began a period of active duty on 8 February 1989. On 11 April 1989, Petitioner reported to Service School Command, ■■■■■■■■■■, ■■■ for temporary duty under instruction.

d. On 21 September 1989, Petitioner received non-judicial punishment (NJP) for two specifications of unauthorized absence totaling eight days and false official statement.

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[REDACTED]

e. On 3 October 1989, Petitioner was evaluated and diagnosed with personality disorder. Additionally, the evaluation noted Petitioner met the criteria for cocaine, alcohol and cannabis dependence, of which all in remission at the time.

f. On 12 October 1989, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of convenience of the government due to personality disorder and misconduct due to commission of a serious offense. Petitioner was advised of and waived his procedural right to consult with military counsel and to present his case to an administrative discharge board.

g. On 20 October 1989, the commanding officer recommended to the separation authority that Petitioner be administratively discharged from the Navy with an Other Than Honorable (OTH) characterization of service. The separation authority directed Petitioner's administrative discharge from the Navy by reason of misconduct due to commission of a serious offense with an OTH characterization of service. Petitioner was so discharged on 14 November 1989.

h. Petitioner contends he incurred mental health conditions during military service, which may have contributed to the circumstances of his separation from service. Petitioner further contends that his issues were intensified by boot camp. Petitioner asserts that, over the years, he has made something of himself and has turned things around. He has a wonderful family, long term job, and he is a major patriot.

i. As part of the Board's review, a qualified mental health professional reviewed Petitioner's contentions and the available records and provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

There is evidence that the Petitioner was diagnosed with and treated for depression preservice, and that he disclosed this information during his enlistment physical. There is also evidence of behaviors consistent with his in-service diagnosis of Personality Disorder. It is possible to experience both depressive symptoms and a Personality Disorder concurrently. His periods of UA could have been due to a return of depressive symptoms, while making a false official statement is more aligned with his Personality Disorder diagnosis. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. 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 sufficient evidence of both depression and a Personality Disorder that existed in service. There is insufficient evidence to attribute *all* his misconduct to depression." [Emphasis in original]

## CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that 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 and OTH discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

However, because Petitioner based his claim for relief in whole or in part upon his other mental health (OMH) condition concerns, 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 Kurta Memo. Applying such liberal consideration, the Board found sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO. However, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct 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/she 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 Kurta Memo, 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 mental health issues, and the passage of time since Petitioner's discharge.

The Board found that the mitigating factors were sufficient to justify some equitable relief. Specifically, the Board found that the severity of Petitioner's misconduct was outweighed by all of the mitigating factors combined. In particular, the Board found that Petitioner's assigned OTH was too harsh in light of his relatively minor misconduct when considered in conjunction with his diagnosed personality disorder and youth/immaturity. Therefore, the Board determined it was in the interests of justice, purely as a matter of clemency, to upgrade Petitioner's characterization of service to General (Under Honorable Conditions) and change his reason for separation, separation authority, and separation code to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board determined no further equitable relief was warranted. While the Board noted that flawless service is not required to receive an Honorable characterization of service, Petitioner's misconduct and brevity of service led them to conclude that his service was not Honorable. Additionally, the Board determined

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Petitioner's reentry code remains appropriate in light of his record of misconduct and unsuitability for further military service. Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 14 November 1989, Petitioner was discharged with a "General (Under Honorable Conditions)" character of service, narrative reason for separation of "Secretarial Authority," the SPD code of "JFF," and separation authority of "MILPERSMAN 1910-164." That all other information currently listed on Petitioner's DD Form 214 remains the same.

That no further correction action be taken on Petitioner's naval record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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.

6/11/2026

