



- Your discharge was the result of a misunderstood mental health crisis rather than misconduct. Your admission to using marijuana was a desperate and misguided act born out of a severe and untreated mental health crisis. At the time you were experiencing significant psychological distress, including depression and anxiety. You unequivocally did not use marijuana or any other illegal substance while in service or at any point since your discharge.

- You followed the misguided advice of a fellow shipmate who told you that admitting to marijuana use was the only way for you to obtain inpatient mental health treatment. Your intention was solely to obtain additional mental health care. You did not understand or anticipate at the time your admission would result in your administrative discharge.

- Directly stating your innocence of the drug charge and explaining the circumstances behind your false admission is new matters that fundamentally changes the nature of your case.

- Your statement demonstrates that your “misconduct” was not an intentional act of disregarding good order and discipline, but rather a symptom of an unaddressed and misunderstood need for psychiatric care.

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

The Board initially concluded you were appropriately processed for administrative separation based on your admission of drug abuse and non-judicial punishment for drug abuse. The Board considered your denial of drug abuse but was not persuaded based on the specificity of your drug abuse admission during your drug and alcohol screening, and your NJP. 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 requested another AO. As part of the Board’s review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 24 February 2026. The AO stated in pertinent part:

There is evidence that the Petitioner was diagnosed with an Adjustment Disorder and substance abuse in service. An Adjustment Disorder is different from a primary mental health condition in that it is most often considered an unhealthy response to a temporary stressor rather than an ongoing pervasive cluster of symptoms that exist in the absence of temporary stressors. He did not submit any medical evidence in support of his claim. His personal statement is not sufficiently detailed to provide a nexus between his misconduct and any primary mental health condition. 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 an Adjustment Disorder that existed in service. There is insufficient evidence to attribute his misconduct to any primary mental health condition.”

In response to the AO, you submitted additional evidence 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 Kurta Memo. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition, other than an adjustment disorder, that may be attributed to military service. This conclusion is supported by the AO and the fact you provided no medical evidence in support of your claim. 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 and questioned how your mental health condition could excuse or mitigate misconduct that you deny committing. The Board considered your contention that you only admitted to abusing marijuana in a misguided attempt to obtain mental health treatment but found this reasoning contradicted your statement to medical providers while on active duty. In that statement, you admitted that your sole desire was to obtain a discharge from the Navy because you felt trapped, wanted to pursue your own interests as a civilian, and regret joining the Navy. It was after this mental health assessment that you were deemed psychiatrically fit for full duty with no evidence of a psychiatric disorder. Based on the contemporaneous medical evidence in your record, the Board found insufficient evidence that a nexus exists between a mental health condition and your misconduct. In addition, due to your morphing contentions, the Board questioned your candor and/or reliability of recall in this matter.

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 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, your desire for an upgrade to your characterization of service, 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 negative effect your discharge has had on your life, your rehabilitation efforts, your claimed mental health issues, the evidence you provided in support of your application, 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 determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board also found that your conduct showed a complete disregard for military authority and regulations. 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 took into consideration that you have never taken responsibility or expressed remorse for your actions that led to your administrative separation and OTH discharge. Instead, you have continuously attempted to shift responsibility away from yourself

without any substantiating evidence. Based on your refusal to accept responsibility for your drug abuse, the Board found that your commander's decision to administratively process and separate you for a single incident of drug abuse to be supported by the evidence, a reasonable exercise of his discretion, and consistent with Navy policy regarding drug abuse. 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 again carefully considered your contentions and the evidence you submitted in support of your application, ultimately, the Board concluded that 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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

5/29/2026

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Executive Director

Signed by: ■