



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

██████████
Docket No. 9964-25
Ref: Signature Date

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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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 30 March 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 this 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, and 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) (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:

1. You enlisted in the Navy and began a period of active duty on 3 January 1983. After a period of continuous Honorable service, you immediately reenlisted for a second period of active duty beginning 30 April 1986.
2. Your available Official Military Personnel File indicates that you struggled to meet the physical readiness requirements in your second enlistment, with medical records documenting that you exceeded maximum allowable weight standards.

3. Your available records document that you were assigned to Transient Personnel Unit, received a separation physical in March 1988, and were discharged from the Navy on 1 March 1988 on the basis of a pattern of misconduct.

4. On 14 March 1988, you were discharged with an Other Than Honorable (OTH) characterization of service with a narrative reason for separation of Misconduct-Pattern of Misconduct and a reentry code of RE-4. Your service record does not contain the documentation describing the misconduct that formed the basis for your administrative separation or OTH characterization of service.

In your application to the Board, you ask that your OTH discharge be upgraded to Honorable. You contend that:

1. It has been more than six months since your discharge and you respectfully request a change of status.
2. Your discharge was based on events that occurred after returning from escorting tankers in the Persian Gulf.
3. You have since learned you have been dealing with Post-Traumatic Stress Disorder, which explains the problems you were having.

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 a pattern of misconduct. Although your OMPF does not reflect your administrative separation package or documents describing your underlying misconduct, the Board relied on the information captured in your DD Form 214 and determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation. Therefore, the Board found no error exists with your OTH characterization of service.

However, because you raised the issue of mental health, the Board applied liberal consideration to your claim to have developed PTSD as a result of an experience escorting tankers in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found insufficient evidence to conclude that you may have developed PTSD during your naval service. This conclusion was supported by the fact you provided no evidence in support of your claim and did not respond to the Board's request for supporting evidence. Additionally, again applying liberal consideration, the Board found insufficient evidence to conclude the misconduct for which you were discharged was excused or mitigated by a PTSD condition and/or other mental health experience. In this regard, the Board simply had insufficient information available upon which to make such a conclusion.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your conduct in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your contentions, the totality of your service, to include service highlights and your honorable first enlistment, 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 a pattern of misconduct as established by the information in your DD Form 214 far outweighs the mitigating factors combined. Based on your reason for separation, assigned OTH characterization of service, and your statement that you were experiencing problems with your conduct, the Board found that your misconduct 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. Further, the Board also noted that there is no provision of federal law or in Navy/Marine Corps regulations that allows for a discharge to be automatically upgraded after a specified number of months or years. While the Board considered the length of time since your misconduct, they determined this factor alone was insufficient to support relief in your case. Finally, the Board believed that it would be unjust to characterize your less than fully 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. 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 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,

4/3/2026

