



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

■
Docket No. 10269-25
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, XXX-XX-■■■■■

Ref: (a) Title 10 U.S.C. §1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) USECDEF Memo of 25 Aug 2017 (Kurta Memo)
(d) 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 to Honorable (HON).

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 12 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) through (d). In addition, 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 regulations within the Department of the Navy.

b. Although Petitioner's 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 the case on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 10 November 1987. After a period of continuous Honorable service, Petitioner immediately reenlisted and commenced a second period of active duty on 7 October 1991.

d. On 10 December 1992, following Petitioner's positive urinalysis for THC (marijuana) he received a substance abuse evaluation. The evaluation noted that Petitioner disclosed prior to

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

joining the Navy, he would smoke “a quarter bag” of marijuana per month. The evaluation concluded based on the interview with Petitioner and a review of his records he is not psychologically dependent on drugs. However, it was determined that Petitioner appears to be psychologically dependent on alcohol.

e. On 15 December 1992, Petitioner received non-judicial punishment (NJP) for wrongful use of marijuana.

f. On 16 December 1992, Petitioner was screened for substance abuse and determined not to meet marijuana or alcohol abuse or dependency.

g. Subsequently, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of misconduct due to drug abuse. Petitioner was advised of and waived his procedural right to consult with military counsel and present his case to an administrative discharge board.

h. On 28 December 1992, the commanding officer recommended to the separation authority (SA) that Petitioner be administratively discharged from the Navy with an Other Than Honorable (OTH) characterization of service by reason of misconduct due to drug abuse. The separation authority approved the recommendation and Petitioner was so discharged on 9 February 1993. Upon his discharge, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate his period of continuous Honorable service from 10 November 1987 to 6 October 1991.

i. Petitioner contends the following injustices warranting relief:

(1) He incurred PTSD during military service, which may have contributed to the circumstances of his separation from service. He has been learning that he has PTSD and tormenting dreams because of the war. His time in the Navy was stressful and thoughts haunt him daily.

(2) He was addicted to “it.” He knew it was wrong but he let his addiction to it overtake him.

(3) Being on a ship and out to sea was stressful not knowing what may happen. He had a mental breakdown prior to their departure for Desert Storm. He was frightened and stressed, not realizing what they were heading into with chemical warfare.

j. 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). 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 or 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 his misconduct and PTSD or any mental health condition. Additional records (e.g., active-duty medical records, post-

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

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 insufficient evidence of PTSD or any mental health condition that existed in service. There is insufficient evidence to attribute his misconduct to PTSD or any mental health condition."

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief.

Specifically, as previously discussed, the Board noted Petitioner has a period of Honorable service from 10 November 1987 to 6 October 1991 which is not documented on his DD Form 214. Applicable regulations authorize the language "Continuous Honorable Active Service" in Block 18 (Remarks) of the DD Form 214, when a service member has previously reenlisted without being issued a DD Form 214, and was separated with a discharge characterization except "Honorable." As a result, the Board determined Petitioner's naval record shall be corrected to reflect his continuous Honorable active service.

With regard to Petitioner's request for an upgrade of his discharge character of service, the Board reached the following conclusions and denied his application for relief.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his drug abuse. The Board noted he admitted to 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 OTH discharge and no error, other than discussed above, exists with his record.

However, because Petitioner raised the issue of mental health, the Board also applied liberal consideration to Petitioner's claim that he suffered from a PTSD, and to the effect that this condition may have had upon the conduct for which he was discharged in accordance with the Hagel and Kurta Memo. 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 Petitioner provided no medical evidence in support of his claim. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by his 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 claimed mental health condition and its potential effect upon his 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, the totality of Petitioner's service, to include service highlights, the non-violent nature of his misconduct, his relative youth and immaturity at the time of his misconduct, his claimed mental health condition, the character references he provided for

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

review, the negative effect his discharge has had on his life, and the passage of time since his 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 Petitioner's 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 considered the negative effect Petitioner's misconduct had on the good order and discipline of his command. Finally, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, even taking into consideration all the mitigation factors in Petitioner's case, the Board found that his misconduct while on active duty outweighed the mitigation evidence offered. Ultimately, the Board concluded an upgrade of Petitioner's discharge characterization of service is not warranted in the interests of justice.

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:

Petitioner shall be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 9 February 1993, with correction to the following sections:

1. Date Entered AD This Period, Block 12a. "87 Nov 10;"
2. Remarks Section, Block 18, annotating "Continuous Honorable Active Service: "10 November 1987 to 6 October 1991."
3. Commander, Navy Personnel Command shall make necessary corrections to Blocks 12.c. and 12.d. based on the directed change to Block 12.a.

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6/3/2026

