



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

██████████
Docket No. 666-26
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 27 February 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 the 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 1 April 1992.
2. On 4 November 1994, you commenced a period of unauthorized absence (UA) that ended on 1 April 1995. During your period of UA, you missed movement on five occasions.
3. On 16 May 1995, you made a formal written statement regarding the circumstances which resulted in your UA period. Specifically, you had been dealing with personal problems in relation to the various mothers of your children and did not get along well with the senior enlisted leadership of your new ship. Your statement elaborates that you and another sailor

absented yourselves together and initially left to your hometown, but you departed to his hometown because your father knew you were absent without authority and “was giving [you] a real hard time.” You stayed at the other sailor’s hometown until noticing police cars surrounding his grandmother’s house and, assuming that your father had informed the police of your location, again relocated. You travelled to ██████████ and stayed with an old girlfriend until you were pulled over for driving with a broken headlight and arrested due to the deserter notification.

4. On 25 May 1995, you were subject to nonjudicial punishment (NJP) for violating Article 85, Uniform Code of Military Justice (UCMJ), by your desertion and Article 87, UCMJ, for missing movement.

5. Subsequently, you were notified of processing for administrative separation by reason of misconduct due to commission of a serious offense and elected to waive your right to a hearing before an administrative separation board. Your commanding officer recommended you be discharge under Other Than Honorable (OTH) conditions and Commander, Naval Personnel Command approved that recommendation. You were so discharged on 19 July 1995.

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

6. You deployed to ██████████ approximately two weeks after boarding your ship.

7. You experienced trauma that resulted in post-traumatic stress disorder (PTSD) due to several incidents which occurred while you were in port on liberty. Specifically, your friend got into a fight with a sailor, or sailors, from another ship, who you state were caught and convicted. You state that you observed him as he was punched in the mouth, with blood shooting everywhere, needing immediate medical care. You assisted while waiting for an ambulance. You contend that your first-hand witnessing of the horrible attack and injury caused you to distrust other sailors and affected your mental health.

8. You also appear to describe a second incident in port where you were attacked by locals. You alleged that you were never asked if you were ok, nor were you offered help during your military service. As a result, you have lived with trauma, confusion, and anger since that time.

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 record of misconduct. While the Board carefully considered your contention for mitigation, the Board noted you admitted to committing the misconduct that formed the basis for your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

The Board also 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 fact you provided no medical evidence in support of your claim and did not respond to the Board's request for supporting evidence. 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. 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 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 desire for a upgrade to your characterization of service, your contentions, the totality of your service, your need for veterans' benefits, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your claimed mental health issues, the circumstances of your UA, 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 found that your conduct showed a complete disregard for military authority and regulations. Your conduct was sufficiently 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. Additionally, with respect to the traumas you claim to have experienced, the Board was not persuaded by your contentions and found that the voluntary statement you made during your military service made it quite clear that you were experiencing parenting and relationship stressors and had difficulty in adapting to the rules and expectations aboard your new ship, which spurred you and your friend to absent yourselves without leave. 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. Therefore, the Board did not find an upgrade of your discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct.

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 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,

3/20/2026

