



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 6186-01
17 September 2002

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that his service was characterized as honorable, and that he was retired vice discharged by reason of misconduct.

2. The Board, consisting of Messrs. Pfeiffer, Shy and Zsalman reviewed Petitioner's allegations of error and injustice on 25 April 2002 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

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. Enclosure (1) was filed in a timely manner.

c. Petitioner reenlisted in the Navy on 29 January 1987, with 7 years, 4 months and 18 days prior active duty service. He was promoted to grade E-7 effective 16 July 1991. He was diagnosed as suffering from major depression in 1992, and returned to full duty following a period of evaluation and treatment. He reenlisted on 20 May 1994 for a term of 5 years. During August 1996, after his return from an unauthorized absence of about 2 months duration, he was diagnosed as suffering from post traumatic stress disorder and a dissociative disorder. He was charged with unauthorized absence, missing the movement of a vessel, and other offenses, but the charges were withdrawn without prejudice following the completion of a Rule for Courts-Martial 706 board, which determined that he had diminished

capacity due to his dissociative disorder. He was evaluated by a medical board on 6 September 1996, and placed on limited duty for a period of eight months, with diagnoses of dissociative disorder and post traumatic stress disorder. He was hospitalized on 29 January 1997 after he became despondent and attempted to commit suicide by cutting one of his wrists. On 4 February 1997, a second medical board referred him to the Physical Evaluation Board (PEB), which determined that he was fit for duty; thereafter, the previously withdrawn charges were re-initiated. He was hospitalized on 8 August 1997 after expressing suicidal ideation. He was released on 10 August 1997 with a diagnosis of depressive disorder, not otherwise specified. On 19 August 1997, he attempted suicide by attempting to shoot himself with a gun, which misfired. On 25 August 1997, a medical board gave him diagnoses of depressive disorder and dissociative disorder, not otherwise specified, and recommended that he be reevaluated by the PEB. The medical board noted that his periods of depressed mood, although brief, were severe in nature, and accompanied by suicidal ideation and two suicide attempts. It also noted that he had experienced two periods of dissociation, the first prior to an unauthorized absence, and the second during a suicide attempt. Petitioner was returned to full duty during August 1997, after being found fit for duty by the PEB, and he was returned to full duty.

d. Petitioner appeared before an administrative discharge board on 24 March 1998. The board found that he had committed misconduct by being absent without authority, missing the movement of a vessel, and writing bad check, and recommended that he be discharged under honorable conditions by reason of misconduct, commission of a serious offense. The recommendation of the board was approved, and Petitioner was discharged from the Navy under honorable conditions on 7 August 1998. He completed a total of 18 years and 11 months of active duty service. On 4 May 2000, the Department of Veterans Affairs (VA) awarded him service connection and a 10% rating for major depression, dissociative disorder and post traumatic stress disorder.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's misconduct was significantly extenuated and mitigated by the effects of the mental disorders which afflicted him during the latter portion of his 19 year career in the Navy. Accordingly, it concludes that it would be in the interest of justice to correct his record to show that he was transferred to the Fleet Reserve pursuant to the Temporary Early Retirement Authority, with an honorable characterization of service, vice discharged by reason of misconduct with a general discharge.

RECOMMENDATION:

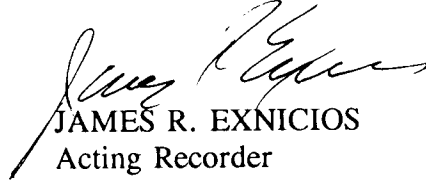
a. That Petitioner's naval record be corrected to show that he was not discharged from the Navy by reason of misconduct on 7 August 1998.

b. That Petitioner's naval record be further corrected to show that he was honorably released from active duty on 31 August 1998, and transferred to the Fleet Reserve on 1 September 1998, pursuant to the Temporary Early Retirement Authority.

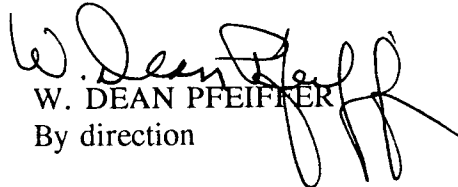
c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a 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.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

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.


W. DEAN PFEIFFER
By direction