



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

SMS

Docket No: 5350-07  
2 September 2008

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps, applied to this Board requesting an upgrade of the undesirable discharge (UD) that he received on 6 September 1968.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 August 2008, 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. On 2 June 1964, Petitioner enlisted in the Marine Corps at age 21. At that time, he had completed 12 years of education and attained average test scores. On 19 May 1965, he reported to Vietnam and served as a rifleman. He subsequently participated in five combat operations and was awarded the Vietnam Service Medal with two stars, Republic of Vietnam Campaign Medal with a device, Navy Unit Commendation, National Defense Service Medal, and letter of commendation for his

outstanding performance of duty for his participation in a squad size ambush action against 100 of the enemy. On 28 January 1966, he departed Vietnam. At that time his average proficiency and conduct marks were both 4.1.

c. On 17 March 1966, Petitioner reported to a stateside duty station and was assigned to 30 days of mess duty on that same day. During the period 16 May to 26 July 1966, he had two nonjudicial punishments (NJP's) and was convicted by a summary court-martial (SCM) for three instances of unauthorized absence (UA) totaling about 29 days. On 8 August 1966, he received a psychiatric evaluation after being referred by his commanding officer. The evaluation stated that he was depressed secondary to experiencing loss of several friends in Vietnam, rejection by his girl friend, and financial hardships at home. The evaluation concluded that there was no evidence of psychosis or mental deficiencies.

d. On 9 November 1966, Petitioner had NJP for a brief instance of UA. On 23 May 1967, he was assigned to mess duty. During the period 29 May to 30 June 1967, he was in a UA status. On 27 July 1967, he was convicted by a special court-martial (SPCM) of the 32 day period of UA. On 5 October 1967, he had NJP for a two day period of UA. During the period 14 October to 10 November 1967, he was in a UA status. On 30 November 1967, he was convicted by a SPCM of this offense, but litigation was later terminated and no further rehearing was authorized.

e. On 2 February 1968, Petitioner received a psychiatric evaluation that diagnosed him as having a passive-aggressive personality manifested by a poor service record, defective judgment, and impulsive behavior. On 17 April 1968, he was apprehended by civilian authorities for disorderly conduct. On 4 June 1968, he was convicted by a SCM for UA during the period 18 to 20 April 1968. During the period 7 June to 12 July 1968, he was in a UA status. On 7 August 1968, he requested a UD for the good of the service to avoid trial by court-martial for the 35 day period of UA. On 22 August 1968, the separation authority approved his request for a UD. On 9 September 1968, he was separated with a UD for the good for the good of the service to avoid trial by court-martial.

f. In his application, Petitioner states that he was recently diagnosed as having Post-Traumatic Stress Disorder

(PTSD) and that he displayed symptoms of PTSD as early as 1966, but the PTSD diagnosis did not exist at that time. With his application, he provided letters of character reference from family members who states that it was understood that their uncle did not return from Vietnam as the man that he was before he left, and that no one knew how to help him. With his application, he also provided psychiatric treatment records from 10 October 2006 to 9 April 2007, and a letter from the treating psychiatrist, Dr. Ehtesham, who states that he is diagnosed as having severe PTSD and major depressive disorder, which is secondary to his loss of friends during the war. Dr. Ehtesham further states that Petitioner's depression began in 1966 and worsened by 1968, and that he has no insurance for his medications and needs veterans' benefits.

#### CONCLUSION:

Upon review and consideration of all evidence of record, the Board concludes that Petitioner's request warrants relief. Specifically, the Board believes that his disciplinary actions were properly taken and his discharge was in accordance with regulations. However, the Board considers his unblemished service in Vietnam, participation in combat operations, and above average proficiency and conduct marks at the time he departed Vietnam. Furthermore, the Board considers his diagnosis of having PTSD and believes that his post service Vietnam psychiatric evaluations and change in his conduct support this diagnosis and his contention of having difficulties coping. Therefore, as a matter of clemency, the Board concludes that his separation should be changed to a general discharge.

#### RECOMMENDATION:

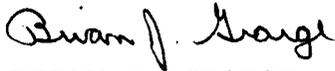
a. That Petitioner's naval record be corrected to show that he received a general discharge on 6 September 1968, vice the UD actually issued on that date.

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

c. That upon request, the Department of Veterans Affairs informed that Petitioner's application was received by the Board on 6 June 2007.

4. 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

  
BRIAN J. GEORGE  
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 Regulation, 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  
Executive Director