



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

ES
Docket No: 5409-14
17 June 2015

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

Subj: REVIEW NAVAL RECORD OF EX-SR **5 U.S.C. 552(b) (6)**
5 U.S.C.

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

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that the characterization of his discharge under other than honorable conditions issued on 28 August 1991, be changed.

2. The Board, consisting of **5 U.S.C. 552(b) (6)** and **5 U.S.C.** reviewed Petitioner's allegations of error and injustice on 5 June 2015, 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 10 April 1990.

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d. Petitioner served for about one year and four months without disciplinary incident. However, during the period from 8 May 1991 to 6 June 1991, she received three nonjudicial punishments (NJP) for disobedience, failure to obey a lawful order, underage drinking, and a 22 day period of unauthorized absence (UA).

e. In July 1991, Petitioner was processed for separation by reason of misconduct due to a pattern of misconduct. On 28 August 1991, she was issued an other than honorable discharge by reason of misconduct.

f. On 22 November 2013, Petitioner was diagnosed with Post-Traumatic Stress Disorder (PTSD) by a licensed psychologist.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable relief.

The Board initially notes Petitioner's record of disciplinary incidents and does not condone her misconduct. However, the Board believes that based on the detailed medical history and diagnoses' by a licensed psychologist, that Petitioner's request warrants relief. With that being said, the Board concludes that the diagnosed PTSD was caused by traumatic service-connected events and existed at the time of her discharge. After carefully considering all the evidence, the Board felt that her diagnosed PTSD should mitigate the misconduct she committed.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 28 August 1991, she received a general discharge.

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 be informed that Petitioner's application was received by the Board on 27 March 2014.

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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.

5 U.S.C. 552(b)
(6)

for
T. A. LASALLE
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.

5 U.S.C. 552(b) (6)

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ROBERT J. O'NEILL
Executive Director