



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

SJN  
Docket No: 4626-14  
12 May 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

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 application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 April 2015. The names and votes of the members of the panel 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 this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 26 October 1988. On 10 November 1993, you were convicted by general court-martial (GCM) of wrongfully concealing a deadly weapon, and assault of another Marine. You were sentenced to 18 months of confinement, forfeiture of all pay and allowances, a reduction in paygrade, and a bad conduct discharge (BCD). You received the BCD on 16 April 1997 after appellate review was completed.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, post service accomplishments, psychological evaluation dated 17 March 2015, desire to upgrade your discharge, and that you are seeking treatment for post-traumatic stress disorder (PTSD) and depression. Your assertion that you are seeking treatment for PTSD was fully and carefully considered by the Board in light of the Secretary of Defense memorandum, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Request by Veterans Claiming PTSD" of 3 September 2014. The memorandum describes the difficulty veterans face on "upgrading their discharges based on claims of previously unrecognized" PTSD. The Secretary explains that since PTSD was not previously recognized as a diagnosis at the time of service for many

veterans, and diagnoses were often not made until after service was completed, veterans were constrained in their arguments that PTSD should be considered in mitigation for misconduct committed or were unable to establish a nexus between PTSD and the misconduct underlying their discharge. The Board reviewed your application and gave liberal consideration of your assertion that you are seeking treatment for PTSD as a mitigation factor in your misconduct. They weighed the severity of your misconduct that formed the basis for your discharge.

Nevertheless, based on the information currently contained in your record, the Board concluded the mitigating factors listed above, including your PTSD, were not sufficient to warrant recharacterization of your discharge given your GCM conviction of very serious offenses. Accordingly, your application has been denied.

With regard to your inquiry about awards you may have received while on active duty, to include the Good Conduct Medal, please be advised that because your request is for an administrative correction which does not required action by this Board, you may submit your request to the Headquarters, United States Marine Corps, Military Awards Branch (MMER), 3280 Russell Road, Quantico, VA 22134-5103.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. In this regard, it is important to keep in mind that a presumption of regularity attaches 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,



ROBERT J. O'NEILL  
Executive Director