



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

[REDACTED]  
Docket No: 3136-16  
DEC 12 2016

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 18 November 2016. 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 Navy and began a period of active duty on 15 February 1979. You served without disciplinary incident until 5 June 1979, when you received nonjudicial punishment (NJP) for unauthorized absence (UA) and disorderly conduct. Shortly thereafter, you received a second NJP on 13 July 1979 for unauthorized absence (UA) and disorderly conduct. During the period of 23 November 1979 through 15 September 1980, you received NJP on six additional occasions. Your offenses were unauthorized absence (UA) on several occasions and possession of an illegal weapon. As a result of the foregoing, administrative discharge action was initiated. After being afforded all of your procedural rights, you waived your right to consult with counsel, appear before an administrative discharge board, and to submit a statement. Shortly thereafter, the separation authority directed an other than honorable conditions discharge by reason of misconduct due to a pattern of misconduct. On 21 November 1980, you were so discharged.

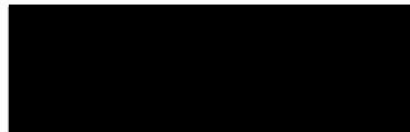
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service, age at the time of

service, assertion of post-traumatic stress disorder (PTSD) as a reason for your misconduct, and post service psychiatric disorder diagnosis. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case, because no error or injustice was identified in its review of your records. Accordingly, your application has been denied.

Your assertion of PTSD was carefully considered by the Board in light of the Secretary of Defense's Memorandum "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post-Traumatic Stress Disorder" of September 3, 2014. However, the Board concluded that although your PTSD assertion was substantiated with supporting evidence, it was not enough to outweigh the seriousness of your repeated misconduct that resulted in your other than honorable characterization of service. The Board gave liberal consideration to your PTSD diagnosis with Major Depressive Disorder and Generalized Anxiety Disorder, but was unable to conclude that these disorders existed at the time of service or were developed as a result of your military service. Finally, it was the Board's opinion that the seriousness of your misconduct outweighed any mitigation that would be offered by the PTSD and that no change should be made to your character of service.

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 or other matters not previously considered by the Board within one year from the date of the Board's decision. 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,



Executive Director