



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

[REDACTED]  
Docket No: 3546-16  
OCT 17 2017

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]  
[REDACTED] USN, [REDACTED]

Ref: (a) 10 U.S.C. §1552

(b) Secretary of Defense's Memorandum, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Request by Veterans Claiming Post Traumatic Stress Disorder," of 3 September 2014

Encl: (1) DD Form 149 (NR20160003546) with attachments  
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting correction to Certificate of Release or Discharge from Active (DD 214), to include consideration of an upgrade to his discharge characterization from general to honorable. Enclosure (2).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 July 2017, 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, relevant portions of your 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 review the application on its merits.

c. On 25 June 1991, Petitioner was absent without authorization (UA) from 0645 to 0930, return by surrender. On 27 June 1991, Petitioner was UA until 28 June 1991, return by surrender.

d. On 30 March 1991, Petitioner received nonjudicial punishment (NJP) for two instances of UA in March 1992, and received punishment of 6 days restriction, forfeiture of \$100 pay per month for 2 months, and reduction in rank (suspended).

e. Administrative discharge proceedings were initiated against Petitioner on the basis of a diagnosis of personality disorder. His final performance average was 3.40 and he was not recommended for reenlistment. He was discharged from the Navy on 4 May 1992, with a general characterization of service, a separation narrative reason of "Personality Disorder," and received a reentry (RE) code of RE-3G.

f. On 21 March 2016, Veterans Affairs issued a rating decision and found Petitioner service-connected for other specific trauma related disorder (mental condition) and granted an evaluation of 10% disability effective 25 August 2015.

g. Petitioner requests an upgrade to his general discharge characterization and states he is currently service-connected for Post-Traumatic Stress Disorder, due to the traumatic events that transpired while he was assigned to the [REDACTED]

h. The Bureau of Naval Medicine (BUMED) reviewed Petitioner's request for an upgrade to his general discharge characterization and issued an Advisory Opinion on 3 May 2017. In the Advisory Opinion, BUMED considered Petitioner's assertion that he suffered from unrecognized PTSD and opined that Petitioner suffered from a mental health condition at the time of his service that interfered with his judgment and led to an undesirable discharge.

i. The Board, in its review of Petitioner's entire record and application, carefully weighed all potentially mitigating factors, such as his desire to upgrade his discharge and his assertion of unrecognized PTSD. Petitioner's assertion of suffering from PTSD was fully and carefully considered by the Board in light of reference (b). In accordance with reference (b), the Board gives liberal and special consideration to treatment documentation of PTSD symptoms and medical determinations of the existence of service-connected PTSD. The Board relied on the Advisory Opinion and the disability determination from Veterans Affairs to determine that reference (b) applies to Petitioner and his request should receive liberal consideration.

j. The Board determined that Petitioner's mental health condition mitigated his misconduct and impacted his performance of duties. The Board concluded that Petitioner's request should be reviewed with liberal consideration, and accordingly, he is entitled to an upgrade to his service characterization from general to honorable.

k. The Board determined that a change to Petitioner's separation narrative of "Personality Disorder" and a change to his reentry code and SPD code are not warranted. The Board determined that a change to the narrative reason and/or change to SPD are not warranted because although the assertion of unrecognized PTSD mitigated Petitioner's performance of duty for purposes of characterization of service, the remaining information on the Certificate of Discharge accurately and appropriately reflected the circumstances surrounding Petitioner's discharge.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of reference (b) and Petitioner's disability rating from Veterans Affairs and BUMED's Advisory Opinion, the Board concludes that Petitioner's request warrants full relief.

In this regard, the Board notes Petitioner's overall record of military service and current Department of the Defense policy as established in reference (b), and concludes that that relief in the form of an upgrade from Petitioner's discharge from general to honorable is warranted. In view of the above, the Board directs the following corrective action.

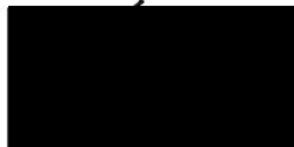
RECOMMENDATION:

That Petitioner's naval record be corrected to show that on 4 May 1992, he was discharged with an honorable characterization of service. It is further directed that he be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

That a copy of this report of proceedings be filed in Petitioner's naval record.

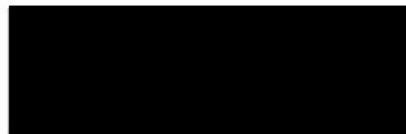
That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 21 April 2016.

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.



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.



Executive Director