



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

Docket No. 3548-16
SEP 26 2017

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 U.S.C. §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 7 June 2017. 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. The advisory opinion provided, BUMED memo 5740 Ser M34/16UM36081 dated 20 April 2017, was sent to you on 25 April 2017 for an opportunity to comment prior to being considered by the Board. After the 30 day period for comment expired without a response, the case was presented to the Board.

You enlisted in the Navy and began a period of active duty on 25 April 1968. The Board noted that your enlistment was just over eight months. On October of 1968, you were charged with unauthorized possession of restricted drugs. As a result of the foregoing, on 13 October 1968 you were notified that you were being processed for an administrative discharge by reason of unfitness for unauthorized use and possession of marijuana. On 17 October 1968, you waived your rights and transferred to the nearest separation center pending decision of the Chief of Naval Personnel on administrative discharge. The Board noted that while awaiting administrative discharge decision you went on a period of unauthorized absence from 27 to 29 November 1968 and was placed on legal hold pending a disposition. On 3 January 1969, you were discharged with an OTH characterization of service.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed all potentially mitigating factors, such as your assertion of Post-Traumatic Stress Disorder (PTSD) as a reason for your misconduct. The Board

substantially concurred with the comments contained in the advisory opinion. Specifically, the Board noted that you did not specify the nature or time of the traumatic events while deployed in Vietnam and you provided no medical records that would indicate mental health symptoms or diagnosis of PTSD.

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, you did not provide sufficient evidence to support your assertion that PTSD may have existed during your active duty service. As a result, the Board was unable to conclude that PTSD existed at the time of your misconduct and therefore did not conclude that it mitigated your misconduct such that you should have your discharge characterization upgraded. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. 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