



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

[REDACTED]  
Docket No. 7269-16  
MAY 13 2017

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

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

Ref: (a) Title 10 U.S.C. 1552  
(b) SECDEF Memo of 3 Sep 14 "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD"  
(c) PDUSD Memo of 24 Feb 16 "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or TBI"

Encl: (1) DD Form 149 w/attachments  
(2) BUMED memo 5740 Ser M34/16UM36060 dtd 30 Nov 16  
(3) Case Summary  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting, in effect, that his "general under honorable conditions discharge" be changed to "honorable" and adding all awards to which he is entitled to his DD Form 214 Enclosures (1) through (4) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 March 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, 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. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that there was no evidence of Petitioner ever suffering from symptoms consistent with PTSD. Therefore, the request does not have merit and does not warrant favorable action for a discharge upgrade.

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[REDACTED]

c. 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.

d. The Board found that the Petitioner enlisted in the Navy and began a period of active duty on 29 August 1973.

e. The Board noted that the Petitioner received several nonjudicial punishments (NJP) for four periods of unauthorized absences (UA) from 9 May 1974 to 11 August 1975.

f. On 7 April 1976, the Petitioner was convicted at a summary court martial (SCM) for being UA.

g. On 16 April 1976, the Petitioner was discharged with a General under Honorable Condition characterization of service.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of enclosure (2) and (3), the Board concludes that Petitioner's request warrants partial relief. The Board reviewed his application under the guidance provided in references (b) and (c). Specifically, the Board considered whether the Petitioner's application was the type that was intended to be covered by this policy.

The purpose of the Secretary of Defense memorandum is to ease the process for veterans seeking redress and assist the Boards in reaching fair and consistent results in "these difficult cases." The memorandum describes the difficulty veterans face on "upgrading their discharges based on claims of previously unrecognized" PTSD. The memorandum further 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. In this regard, the Petitioner's 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. The memorandum recognizes that these Boards are not investigative bodies, but provides supplemental guidance to assist the Boards in reaching fair and consistent results when considering whether medical or other evidence that indicates PTSD may have contributed to or mitigated the circumstances of a veteran's discharge from the military. However, the Board concluded the information in the Petitioner's service record and statements provided was not enough to substantiate his claim of PTSD at the time of his misconduct. The Board further concluded that, even if PTSD existed at the time of his discharge, the seriousness of his misconduct outweighed any mitigation that would be offered by the PTSD.

The Board noted that the Petitioner is entitled to additional awards.

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[REDACTED]

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show:

a. That Petitioner's record be corrected by adding the Armed Forces Expeditionary Medal with 1 bronze star, Humanitarian Service Medal, and the Meritorious Unit Commendation Ribbon with 1 bronze star to his DD Form 214.

b. That Petitioner be issued a new Certificate of Release or Discharge from Active duty (DD Form 214).

c. That no further relief be granted.

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

e. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 10 August 2016.

4. It is certified that 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.

[REDACTED]  
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 Regulations, 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.

[REDACTED]  
Executive Director