



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

[REDACTED]
Docket No: 7910-16

JAN 31 2018

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 January 2018. 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, relevant portions of your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Bureau of Medicine and Surgery (BUMED) dated 18 December 2017, which was previously provided to you and is enclosed.

You enlisted in the Navy and began a period of active duty on 16 June 1999. During the period from 8 February to 22 September 2000, you received six nonjudicial punishments (NJPs) for failing to obey a lawful order and five instances of disobeying a lawful order. Your record is incomplete in that it does not contain any documents pertaining to your administrative discharge. Based on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were discharged due to pattern of misconduct on 6 February 2001.

Your contention that you suffered from Post-Traumatic Stress Disorder (PTSD) was fully and 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 Requested by Veterans Claiming Post Traumatic Stress Disorder" of 3 September 2014 and the "Clarifying Guidance to Military Discharge Review Board and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment" memorandum of 25 August 2017. These memorandums recognize that the Board is

not an investigative body, but provides supplemental guidance to assist the Board in reaching fair and consistent results when considering whether medical or other evidence indicates PTSD may have contributed to or mitigated the circumstances of a veteran's discharge from the military.

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. The Board carefully weighed all potentially mitigating factors, such as your desire to have your characterization of service changed, you have been diagnosed with Bipolar Disorder with psychotic features, Post-Traumatic Stress Disorder (PTSD), borderline Personality Disorder, and alcohol use disorder after a clinical assessment in April 2013 and September 2014. The Board also considered your therapist assertion that your symptoms were triggered by trauma related to your military service as well as your childhood experiences of emotional and physical abuse, that you requested psychological counseling from your chain of command, but was denied, letter from [REDACTED] dated 16 October 2014, and letter from the Department of Veterans (DVA) Affairs that states your service is considered honorable for DVA purposes. Please be advised that the DVA only has the authority to re-characterize your service for their purposes. In other words, the DVA does not have any jurisdiction to change your naval record. However, the Board concluded the information in your service record and statement you provided was not enough to substantiate your claim of PTSD at the time of your misconduct. In this regard, the Board substantially concurred with the comments contained in the BUMED advisory opinion. Accordingly, your application has been denied.

With regard to your request of Good Conduct Medals, please be advised that each time you received NJP, the clock resets. The Good Conduct Medal listed on your NAVPERS 1070/604 is commencement dates of when the clock starts towards earning the medal. The Good Conduct Medals is earned every three years without any punitive incidents. Based on your service being less than 2 years and your six NJP(s), the Good Conduct Medal could not have been achieved.

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,

[REDACTED]
Executive Director

[REDACTED]