



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

█
Docket No: 6086-20
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER █ USN,
XXX-XX-█

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF memo, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD," of 3 September 2014
(c) PDUSD memo, "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or TBI," of 24 February 2016
(d) PDUSD memo, "Clarifying Guidance to Military Discharge Review Boards 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," of 25 August 2017
(e) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

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

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting her naval record be corrected to reflect an upgraded characterization of service.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 2 July 2021 and, pursuant to its regulations, determined the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). Additionally, the Board also considered the advisory opinion (AO) furnished by a qualified mental health provider.

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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. Petitioner enlisted in the Navy on 25 March 1981, after receiving a medical waiver. On 11 October 1982, she began a period of unauthorized absence (UA) after taking the Navy-Wide Advancement Examination on 9 September 1982 while on leave enroute to the [REDACTED], her next duty station. On 31 January 1984, Petitioner surrendered at Naval Hospital [REDACTED] to end her period of UA.

d. On 25 May 1984, Petitioner was convicted by special court-martial for the UA and sentenced to reduction in rank and a bad conduct discharge (BCD). The BCD was subsequently approved at all levels of review, and on 10 June 1985, Petitioner was discharged.

e. Petitioner contends she was mentally ill prior to service and after disclosing her pre-service history of psychiatric hospitalization to the recruiter, she obtained a medical waiver after speaking briefly to a military psychiatrist. Petitioner further contends she began hallucinating in bootcamp which continued through "A" school, but diminished when she started drinking alcohol to cope with her anxiety. She explains that she failed to report to her new duty station because of the anxiety and ultimately was hospitalized in the psychiatric ward of her hometown hospital because of suicidal depression. Once her condition was stable, her doctor, with her permission, contacted the Navy to allow Petitioner to surrender onboard Naval Hospital [REDACTED].

f. As part of the Board's review, a qualified mental health provider reviewed Petitioner's assertions and available records. The AO confirmed Petitioner's diagnosed mental health conditions to include her pre-service diagnosis of schizoid personality, her post-service diagnosis of schizoaffective disorder, and her service-connected PTSD with schizoaffective disorder with a 70% disability rating. Based on the available evidence, the AO stated there was sufficient objective evidence Petitioner incurred a mental health condition during the course of her military service and that the mental health condition mitigated Petitioner's in-service misconduct.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief. The Board reviewed the application under the guidance provided in references (b) through (e).

The Board, applying liberal consideration and relying upon the favorable AO, determined there was sufficient evidence to support a finding that Petitioner's mental health condition mitigated the misconduct that led to her BCD.

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RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a new DD Form 214 and a new discharge certificate with the characterization of service as "honorable."

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

4. 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.

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.

7/19/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]