



family by being on the outside instead of being a Private in the service.” You received your BCD on 5 August 1969. On 14 September 1977, your initial discharge was changed and you were awarded a Clemency Discharge after you satisfactory completed alternate service pursuant to Presidential Proclamation No. 4313.

A qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO regarding your assertion that you were suffering from Post-Traumatic Stress Disorder during your service. The AO noted that based on the available evidence, the preponderance of available objective evidence failed to establish you were diagnosed with a mental health condition, suffered from a mental health condition at the time of your military service, or your in-service misconduct could be mitigated by a mental health condition.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to your assertions that: (a) you had mental health conditions and issues when you returned home from Vietnam and you believe your deployment to Vietnam caused significant mental distress; and (b) you had great difficulty adjusting when you returned home because you could not pull yourself together with the change from going to combat and back into a garrison unit, and you continued to make poor choices in your coping skills with your experience in Vietnam. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your four NJPs and two SPCM convictions outweighed these mitigating factors. Additionally, the Board concurred with the AO that based on the available evidence, the preponderance of available objective evidence failed to establish you were diagnosed with a mental health condition, suffered from a mental health condition at the time of your military service, or your in-service misconduct could be mitigated by a mental health condition.

Further, the Board noted that you received a pardon and a clemency discharge (CD) under the President Ford Clemency Program. However, neither the Veterans Administration (VA) nor Department of Defense (DoD) considers a recipient of a CD to be entitled to any benefits denied by reason of the original discharge. Your Clemency Discharge replaced your BCD, and is considered a neutral discharge, neither honorable nor less than honorable. The Board concluded that a further change, which would make you eligible for VA benefits, was not warranted. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

7/23/2021

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Signed by: █