



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

Docket No: 2251-21  
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 27 September 2021. The names and votes of the panel members 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 the 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, 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). In addition, the Board considered the advisory opinion (AO) furnished by a qualified mental health professional dated 28 July 2021, which was previously provided to you.

You enlisted in the Navy and began a period of active duty on 6 May 1980. On 18 March 1981 and 29 May 1981, you received nonjudicial punishment (NJP). The offenses included, going from your appointed place of duty, failure to obey an order not to leave your post, dereliction of duty, and two specifications of willful disobedience of a superior commissioned officer. On 5 June 1981, you acknowledged that you had been counseled concerning your frequent involvement with military authorities, and warned that further misconduct could result in administrative discharge action. During the period from 2 July 1981 to 4 March 1983, you received five NJPs. The offenses included: two specifications of failing to go to your appointed place of duty, disrespect toward a petty officer, violating a general order by sitting on a bunk bed while in uniform, and two periods of unauthorized absence. On 8 March 1983, you were notified of administrative discharge action by reason of a pattern of misconduct. After being afforded your procedural rights, you elected not to have your case heard before an administrative



discharge board. On 11 March 1983, you were discharged from the Navy with an other than honorable characterization of service.

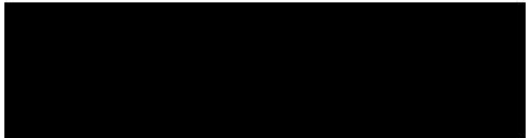
A qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO regarding your assertion that you were suffering from PTSD during your service. The AO noted that the preponderance of objective evidence failed to establish you were diagnosed with PTSD or other mental health conditions, suffered from PTSD or other mental health conditions at the time of your military service, or that your in-service misconduct could be attributed to PTSD or other mental health conditions.

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 you have issues with homelessness, mental health, and drug abuse. 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 seven NJPs and the fact that you were warned of the consequences of further misconduct after your second NJP outweighed these mitigating factors. Additionally, the Board concurred with the AO. 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,

10/7/2021



Executive Director

