



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

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Docket No: 3865-21  
Ref: Signature Date

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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 20 December 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 4 November 2021, which was previously provided to you.

You enlisted in the Navy and began a period of active duty on 1 July 1973. During the period from 19 July 1973 to 28 February 1975, you received four nonjudicial punishments (NJPs) for breach of the peace, disrespect to a superior petty officer, failure to obey barracks regulations, assault, and violation of a general regulation. On 28 March 1975, you were notified of your deficiencies and substandard performance. You were warned that failure to correct your deficiencies could result in administrative discharge action. On 11 April 1975, you received a fifth NJP for violation of a general order or regulation. On 17 April 1975, you were notified of administrative discharge action by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. After you were advised of your procedural rights, you elected to have your case heard before an administrative discharge board (ADB). On

18 April 1975, you elected to waive your right to have your case heard before an ADB provided you were recommended for a general discharge. Your case was forwarded to the separation authority recommending you receive a general discharge due to unfitness. At that time, it was stated that you were a continuing administrative burden, displayed little or no sense of responsibility for transgressions, you had been counseled repeatedly at all levels, and were an unreliable worker unless under constant supervision. On 6 May 1975, you were discharged from the Navy with a general 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 was suffering from Post-Traumatic Stress Disorder (PTSD) during your service. The AO noted that based on the current available evidence, there is insufficient evidence that you may have incurred an unfitting mental health condition during military service, and there is insufficient evidence that your 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 were released due to a character disorder, and feel that an honorable discharge is better for you in the long run; (b) you spent the last 46 years in a shell filled with anger, and you have a duly diagnosed character disorder while serving in the Navy; (c) you should have been entitled to 100 percent rating for both of your disabilities and back pay; and (d) you never wanted anything from the government for serving your country, you did not sign up for the █ bonus, and your life has been a total disaster from the day you got out of the Navy. Additionally the Board considered the two traumatic incidents you contend occurred while on shore leave in █ one in which you were unwittingly caught in local unrest, and the other following a failed assassination of a cab driver, and your assertion that you were diagnosed with a character disorder in-service and PTSD post-service.

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 five NJPs, and the fact that you were counseled and warned of the consequences of further deficiencies in your performance and or conduct, outweighed these mitigating factors. Additionally, the Board concurred with the AO that based on the current available evidence, there is insufficient evidence that you may have incurred an unfitting mental health condition during military service, and there is insufficient evidence that your misconduct could be mitigated by a mental health condition. 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,

1/11/2022

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Executive Director

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