



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

██████████  
Docket No: 4082-21  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552  
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)  
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)  
(d) USD Memo of 25 Aug 17 (Kurta Memo)  
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Advisory Opinion of 13 Oct 21

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 that his naval record be corrected to reflect an Honorable characterization of service.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 16 December 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 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta 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 considered the advisory opinion (AO) furnished by a qualified mental health provider, which was previously provided to Petitioner. Although Petitioner was afforded an opportunity to submit a rebuttal, Petitioner did not do so.

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.

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b. Petitioner entered a period of active duty in the Navy on 24 May 1972. On 5 January 1973 he received nonjudicial punishment (NJP) for a five day period of unauthorized absence (UA) in violation of Article 86, Uniform Code of Military Justice (UCMJ). His second NJP occurred on 6 February 1973 for failure to obey a lawful order and disrespect in language toward a superior petty officer in violation of Articles 92 and 91, UCMJ. On 3 April 1973 he received a third NJP for a one day period of UA in violation of Article 86, UCMJ. Petitioner's fourth NJP occurred on 1 May 1973 for breaking restriction and for a two hour period of UA in violation of Articles 134 and 86, UCMJ. On 12 November 1973 Petitioner was convicted by special court martial (SPCM) for a 76 day period of UA in violation of Article 86, UCMJ. On 7 January 1974 Petitioner was notified of administrative separation processing by reason of unfitness as evidenced by repeated military offenses; he consulted with counsel and waived his procedural rights. On 14 January 1974 Petitioner was discharged with a General (Under Honorable Conditions) characterization of service.

c. Petitioner contends he thought joining the Navy would allow him to control or cure his excessive use of alcohol. He states he never sought treatment for underlying issues in his life to include alcohol and drug abuse. He further states prior to taking leave he had not sought alcohol rehabilitation treatment, counseling, mentorship, nor made new friends and while on leave reverted to old habits and surroundings. He contends he did not have a strong enough grounding to thrive in the Navy. He states he had additional hardship because his family's house had burned down with all of their personal belongings and almost took the lives of some of his family members. He contends he talked to a supervisor about transferring to another ship. He states his supervisor didn't think transferring to another ship was a good idea based on his record, stressors, and past behavior. Petitioner contends he was offered a general discharge at that point and states he has battled PTSD and mental health issues.

d. In support of his application, Petitioner provided documentation to verify his post-service accomplishments to include a personal statement indicating he completed rehabilitation, attended college, and had a family. Petitioner provided documentation noting that he was ordained into the ministry and served as a pastor. Additionally, Petitioner provided two character references on his behalf.

e. As part of the Board's review, a qualified mental health provider reviewed Petitioner's available records and provided an AO dated 13 October 2021. The AO noted that throughout Petitioner's military service, disciplinary actions and administrative processing, there were no indications of a mental health condition requiring referral to mental health resources. Furthermore, Petitioner did not provide any clinical evidence of in-service or post-discharge diagnoses of a mental health condition in support of his petition. Consequently, the AO concluded that there was insufficient evidence to support Petitioner's contention of PTSD or a mental health condition incurred as a result of his military service, or that his in-service misconduct could be attributed to PTSD or a mental health condition.

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CONCLUSION:

The Board reviewed Petitioner's application under the guidance provided in references (b) through (e). Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief and that as a grant of clemency, his narrative reason for separation and corresponding separation authority and code should reflect "Secretarial Authority."

The Board applied liberal consideration in accordance with the references; however concurred with the AO and found insufficient evidence to determine that Petitioner suffered from a mental health condition during his military service. The Board found no error or injustice in Petitioner's General (Under Honorable Conditions) characterization of service and determined this discharge was warranted by Petitioner's record of misconduct.

Despite finding no error or injustice in Petitioner's discharge, the Board considered the totality of the circumstances to determine whether relief is warranted in the interests of justice today in accordance with reference (e). In this regard, the Board considered, among other factors, Petitioner's commendable post-service conduct and service to others; that Petitioner sought out and completed rehabilitation treatment to overcome his alcohol and drug abuse; the nonviolent nature of the misconduct; and the passage of time since Petitioner's discharge. Accordingly, the Board determined that Petitioner's post-service record of rehabilitation and service warrants partial relief.

RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 indicating the narrative reason for separation as "Secretarial Authority," separation authority as "MILPERSMAN 1910-164," and separation code as "JFF." Petitioner's General (Under Honorable Conditions) characterization of service shall remain the same.

That no other changes be made and 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 Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

1/13/2022

[REDACTED]

Executive Director  
[REDACTED]