



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

█  
Docket No: 4573-21

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, █

Ref: (a) Title 10 U.S.C. §1552  
(b) SECDEF Memo of 13 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 w/enls  
(2) Advisory opinion of 28 Oct 21

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with this Board requesting his other than honorable (OTH) conditions discharge be upgraded due to Post-Traumatic Stress Disorder suffered while on active duty. Enclosures (1) and (2) apply.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 20 December 2021, and pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, applicable statutes, regulations, policies, to include references (b) through (e). Additionally, The Board also considered the advisory opinion (AO) furnished by a qualified mental health provider, which was previously provided to Petitioner.

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. Petitioner enlisted in the Navy and began a period of active duty on 15 June 1989.

c. On 1 May 1990, Petitioner received nonjudicial punishment (NJP) for wrongfully and falsely altering a military identification card.

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d. On 18 January 1991, Petitioner received NJP for seven days of unauthorized absence, using disrespectful language, and consuming alcoholic beverages while underage.

e. On 8 September 1993, Petitioner received NJP for false pretenses. Additionally, he was counseled and warned that further misconduct, could result in administrative discharge action.

f. On 24 November 1993, Petitioner received NJP for two specifications of assault, and drunk and disorderly conduct.

g. On 29 November 1993, Petitioner was notified of administrative discharge action due to a pattern of misconduct, and misconduct due to commission of serious offense. At that time, he waived his right to request to have his case heard before an administrative discharge board. However, Petitioner did elect to submit a personal statement on his behalf.

h. On 10 December 1993, Petitioner's case was forwarded to the separation authority with the recommendation that he receive an other than honorable (OTH) discharge.

i. On 16 December 1993, the separation authority directed that Petitioner receive an OTH discharge due to a pattern of misconduct.

j. On 7 January 1994, Petitioner was discharged from the Navy with an OTH characterization of service due to a pattern of misconduct.

k. With his application, Petitioner states he suffered from PTSD within the service, his injury incurred around the end of his service, and he had an undiagnosed mental illness contributing to a pattern of behavioral problems. He added that these incidents were overlooked, not properly diagnosed because of his exemplary service record, and he was placed on disability in 2004 because of it. He also provided four character letters on his behalf.

l. Enclosure (2), states that based on the current available evidence, there is post discharge evidence that the Petitioner may have experienced a mental health condition during military service. However, there is insufficient evidence that he incurred the mental health condition during military service or that his misconduct should be attributed to a mental health condition.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that the Petitioner's request warrants favorable action in the form of relief. The Board reviewed his application under the guidance provided in references (e) intended to be covered by this policy.

In this regard, the Board noted Petitioner's misconduct, and does not condone his actions. However, based upon Petitioner's overall record, relief in the form of his characterization of service be changed to "General (under honorable conditions)."

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

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RECOMMENDATION

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), showing that on 7 January 1994, he received a General (under honorable conditions) discharge.

That no further action be granted.

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

1/14/2022

[REDACTED]

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Executive Director  
[REDACTED]