



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

█  
Docket No: 4656-21  
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, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder," of 3 September 2014 (Hagel Memo)  
(c) PDUSD Memo, "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or TBI," of 24 February 2016  
(d) USD Memo, "Clarifying Guidance to Military Discharge Review Boards and Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment," of 25 August 2017 (Kurta Memo)  
(e) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 with attachments  
(2) Case summary

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 her naval record be corrected by upgrading the characterization of service from "other than honorable" to "general under honorable conditions" on her Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 24 January 2022 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 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).

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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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the U.S. Navy and commenced active duty on 25 May 1973. On 27 July 1976, Petitioner was recommended for a discharge for the convenience of the government by reason of obesity with a type of discharge as warranted by performance marks. On 13 September 1976, Petitioner absented herself from her command until she surrendered on 25 April 1977 (totaling 224 days). On 4 May 1977, a report of medical examination documents Petitioner weighed 55 pounds over the maximum allowable weight. It further captures Petitioner was ineligible for reenlistment but qualified for a six (6) month enlistment extension for weight control purposes only. On 2 June 1977, Petitioner was discharged with an other than honorable characterization of service by reason of "for the good of the service."

d. Petitioner contends after entering the Navy she married a Sailor who was physically and mentally abusive towards her. She adds she was far from home, as they were stationed in Hawaii, and she was too embarrassed to talk to anyone about what was occurring. She asserts military members were treated differently in the 1970s and no one asked her about her bruises. She also states her husband forced her to leave her duty station and depart with him to New Orleans. Petitioner adds her husband even controlled her surrender to authorities because she "needed to get a job and the only way to do so was by clearing up her AWOL (absent without leave) status." Years later, Petitioner asserts she remarried. Her second husband urged her to speak with Navy personnel about the aforementioned in hopes of having her characterization of discharge upgraded but she asserts she was still too embarrassed to do so. Petitioner further states she and her second husband were married for 32 years until his death on [REDACTED]. He was also a veteran and was buried at a national cemetery in [REDACTED]. Petitioner asserts she was proud of being in the Navy, serving her country, and planned to make it a career prior to marrying her first husband. She adds, to date, her parents were the only family members aware of what occurred and other family members remain unaware of what happened. She requests that her discharge be upgraded in hopes of being buried alongside her husband. She would also like to proudly display her time in the Navy. Petitioner submitted a statement, her DD 214, and official military personnel file documents for clemency consideration.

e. In light of Petitioner's claim that she suffered from a mental health condition while on active duty, an advisory opinion (AO) was requested from a mental health professional. The AO concluded that insufficient evidence existed to support a finding that Petitioner may have incurred an unfitting mental health condition during military service and insufficient evidence that her misconduct could be mitigated by a mental health condition. However, the AO noted that Petitioner's record supports her contention that she suffered from domestic violence while on active duty. Petitioner provided duplicate documentary evidence in response to the AO.

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CONCLUSION:

The Board noted Petitioner's misconduct and does not condone her actions, which subsequently resulted in an other than honorable discharge. However, in light of reference (e), after reviewing the record holistically, and given the totality of the circumstances and purely as a matter of clemency, the Board concluded Petitioner's discharge characterization should be changed to "general (under honorable conditions)". In making their finding, the Board considered the AO determination that Petitioner, more likely than not, suffered from domestic abuse while on active duty. Despite this finding, based on the severity of Petitioner's misconduct, the Board concluded that it was inappropriate to upgrade her characterization of service to Honorable.

RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 and new discharge certificate indicating the character of service as "general (under honorable conditions)".

No further changes be made to Petitioner's record.

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 Regulations, 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.

2/10/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]