



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: 4673-21
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 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 22 October 2021, which was previously provided to you.

You enlisted in the Navy and began a period of active duty on 25 October 1988. On 28 October 1988, you were, briefed on the Navy's policy concerning drug and alcohol abuse. During the period from 12 January 1990 to 1 February 1991, you received three nonjudicial punishments (NJPs) for two periods of unauthorized absence and wrongful use of marijuana. On 8 February 1991, you were, notified of administrative discharge action for misconduct due to drug abuse. After you were, afforded your procedural rights, you elected to waive your right to have your case heard before an administrative discharge board. On 25 February 1991, your case was forwarded to the separation authority with the recommendation that you receive an other than honorable (OTH) discharge. On 22 March 1991, the separation authority directed you receive an OTH discharge due to drug abuse. On 25 March 1991, you were discharged from the Navy with an OTH 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 Post-Traumatic Stress Disorder (PTSD) during your service. The AO noted that based on the current available evidence, there is insufficient evidence that you incurred PTSD or another mental health condition during military service, or that your misconduct could be attributed to PTSD or another 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) your behavior was due to PTSD; (b) the first time out to sea, your ship collided with another ship, and during target practice, the powder got stuck in the barrel and had to be cooled down; (c) your general quarter's station was the Gunner Mates magazine with all the weapons, and if the powder did not cool down it would have exploded, and you would not have survived; (d) you wanted to be in the Navy, but were never the same, and today you still think about what happened; and (e) if these things did not happen to you at such a young age, you could have had a career in the Navy. 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 three NJPs, and the fact that you were briefed on the Navy's policy concerning drug and alcohol abuse, outweighed these mitigating factors. Additionally, the Board concurred with the AO that based on the current available evidence, there is insufficient evidence that you incurred PTSD or another mental health condition during military service, and the evidence is insufficient that your misconduct could be attributed to PTSD or another 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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