



**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: 5181-21  
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 3 January 2022. 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 16 November 2021, which was previously provided to you.

You enlisted in the Navy and began a period of active duty on 25 September 1989. On 26 September 1989, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 13 September 1990, you received nonjudicial punishment (NJP) for one day of unauthorized absence (UA). Additionally, you were counseled and warned that further misconduct could result in administrative discharge action. On 25 August 1992, you were evaluation by medical personnel for possible suicidal behavior. On 5 October 1992, medical personnel diagnosed you a Personality Disorder with immature and borderline features. On 8 October 1990, a Navy Drug Lab reported that you had tested positive for amphetamines/methamphetamines and cocaine use. On 6 November 1992, you received NJP for wrongful use of amphetamines/methamphetamines and cocaine, and six days of UA. Additionally, you were notified of administrative discharge

action by reason of convenience of the government due to your diagnosed personality disorder, and misconduct due to drug abuse. After being advised of your procedural rights, you elected to waive your right have your case heard before an administrative discharge board. On 18 November 1992, a Counseling and Assistance Center (CAAC) evaluated you for potential drug problems due to your positive urinalysis test. The evaluation found you to be an abuser of methamphetamines and marijuana, and recommended your administrative discharge via the Department of Veterans Administration, that you attend Alcoholic Anonymous or Narcotics Anonymous meetings, and be placed on command-monitored urinalysis until your separation. On 2 December 1992, you were referred to medical personnel for a drug/alcohol screening for dependency. You were found to be polysubstance dependent, a heavy alcohol user, and not amenable to counseling or treatment. On 10 December 1992, you received NJP for failing to obey an order or regulation. On 28 December 1992, your case was forwarded to the separation authority with the recommendation that you be separated from the Navy with an other than honorable (OTH) characterization of service by reason of a personality disorder and drug abuse. On 15 January 1993, the separation authority directed that you receive an OTH discharge due to drug abuse. On 28 January 1993, 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 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 incurred PTSD or another unfitting mental health condition during military service, and there is insufficient evidence that your misconduct could be attributed to PTSD or another unfitting 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 received a preliminary diagnosis of severe PTSD by the Department of Veteran Affairs, you felt like the room was closing in on you, and you could not breathe, and in 1992 early 1993, you snapped after returning to the states after the Gulf War; (b) you went on duty, and shortly after became triggered, and upon exiting your shop, you assaulted many of your shipmates, and anyone that got into your way; (c) you just needed to get away and went UA, and during your absence, you self-medicated with anything you could get off the streets until your return; (d) after your first suicide attempt, you were never given a psychiatric evaluation or any other kind of testing, to determine a root cause of your unprecedented behavior, but were simply discharged and left to your own devices in society; and (e) you believe that had you been diagnosed at the time, it would have casted a different outcome in your case, that the diagnosis of PTSD and the same behaviors lend to a reasonable explanation to your case, discharge, attempted suicide, and in your opinion, is the caused behavior that led to your discharge. 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, one of which was for wrongful drug 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 unfitting mental health condition during military

service, and there is insufficient evidence that your misconduct could be attributed to PTSD or another unfitting 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,

1/19/2022

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Executive Director

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