



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

[REDACTED]
Docket No: 5201-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED],
XXX-XX-[REDACTED], USN

Ref: (a) 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 29 Oct 21

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with this Board requesting his other than honorable (OTH) characterization of service, be changed on his Certificate of Release of Discharge from Active Duty (DD Form 214), due to a mental health condition. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 24 January 2022, and pursuant to its regulations, determined that the partial 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.

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 24 March 1993.

c. On 7 March 1996, Petitioner received nonjudicial punishment (NJP) for wrongful use of marijuana.

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED],
XXX-XX [REDACTED], USN

d. On 7 May 1996, Petitioner was notified of administrative discharge action by reason of misconduct due to drug abuse. After being afforded his procedural rights, he elected to waive his right to have his case heard before an administrative discharge board.

e. On 23 May 1996, Petitioner's commanding officer (CO) forwarded his case to the separation authority stating that due to his outstanding service, he strongly recommended that he receive an honorable discharge. His misconduct was an aberration in his career and otherwise professional conduct. The CO felt his service and dedication warranted an honorable discharge.

f. On 27 June 1996, the separation authority directed that Petitioner be discharged with an OTH discharge for misconduct due to drug abuse.

g. On 24 September 1996, Petitioner was discharged from the Navy with an OTH characterization of service.

h. With his application, Petitioner states that: (i) he served in the Navy with fidelity, pride, and respect compared to his history of service; (ii) he believes his discharge was inequitable, based on one isolated incident in 42 months with no other adversity; (iii) his OTH discharge was due to him smoking marijuana one time in an attempt to help relieve his undiagnosed anxiety, panic disorder, and agoraphobia; (iv) he was too embarrassed and ashamed at the time to explain the reason he smoked, and claims that his commanding officer gave him two choices, to accept an OTH discharge or reenlist for another four years and have the incident wiped from his record; (v) because he was so traumatized by the event, and already having severe anxiety and panic attacks, he felt at the time, that it would be best for him to step down from the service. Further, he claims that for almost 25 years he has regretted not accepting the offer to reenlist; and (vi) the guilt and shame has traumatized his entire adult life, creating even greater anxiety and subsequent depression, and has held him back from achieving his true potential.

i. Enclosure (2), states that based on the current available evidence, there is insufficient evidence that the Petitioner may have incurred a mental health condition during military service, and there is insufficient evidence that his misconduct could 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 partial favorable action in the form of relief. The Board reviewed his application under the guidance provided in references (b) 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, and the fact that his CO strongly recommended

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED],
XXX-XX-[REDACTED], USN

that he receive an honorable discharge due to his outstanding service prior to his misconduct, relief in the form of his characterization of service should be changed to “General (under honorable conditions).”

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

RECOMMENDATION

Petitioner be issued a new DD Form 214, showing that on 24 September 1996, 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.

1/27/2022

[REDACTED]

Executive Director

Signed by [REDACTED]