



**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: 5428-21  
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 14 October 2021, which was previously provided to you.

You enlisted in the Navy and began a period of active duty on 16 March 1983. On 22 June 1984, you received nonjudicial punishment (NJP) for 29 days of unauthorized absence (UA). Additionally, you were counseled and warned that failure to correct your deficiencies could result in administrative discharge action. On 26 June 1984, you received NJP for two specifications of willful disobedience of a lawful order. On 5 July 1984, medical personnel diagnosed you with a Mixed Personality Disorder with Borderline, Schizotypal, and Passive-Aggressive Traits, severe. On 8 August 1984, you received NJP for nine specifications of missing restricted men's musters, and wrongful use of marijuana. On 10 August 1984, you were notified of administrative discharge action for misconduct due to a pattern of misconduct, commission of a serious offense, and drug abuse. After being advised of your procedural rights, you elected to waive your right to have your case heard before an administrative discharge board.

On 17 August 1984, you received NJP for 15 specifications of missing restricted men's musters, and UA from extra duty checkout. On 23 August 1984, your case was forwarded to the separation authority with the recommendation that you receive an other than honorable (OTH) discharge. It was stated that you had shown no inclination towards professional or self-improvement. On 2 September 1984, you were convicted by summary court-martial (SCM) of 10 specifications of missing restricted men's muster. On 3 September 1984, the separation authority directed that you receive an OTH discharge due to a pattern of misconduct. On 28 September 1984, 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 available evidence, the preponderance of objective evidence did not support your contention of PTSD/Mental Health Condition incurred as a result of your military service, or that your in-service misconduct could be attributed to PTSD/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 experienced constant verbal and physical harassment by your Engineering Division petty officer for over a year while assigned to the █; (b) you were, labeled "Faggot" though you never discussed or indicated your sexuality, and you reported it to your chain of command, but they refused to investigate the issue, and after the lack of response by your chain of command, you went UA; and (c) due to the constant harassment and belittlement, you felt you were going to lose your mind, and experienced suicidal ideations. 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, and SCM conviction outweighed these mitigating factors. Additionally, the Board concurred with the AO that based on the available evidence, the preponderance of objective evidence did not support your contention of PTSD/Mental Health Condition incurred as a result of your military service, or that your in-service misconduct could be attributed to PTSD/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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