



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

█
Docket No: 6263-21

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █, USN,
XXX-XX-█

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 3 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/ enclosures
(2) Advisory Opinion of 9 Nov 21

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 his discharge be upgraded to Honorable and the narrative reason for separation be changed to “Secretarial Authority” with corresponding changes to the separation authority and separation code. Enclosures (1) and (2) apply.

2. The Board, consisting of █, █, and, █ reviewed Petitioner's allegations of error and injustice on 21 January 2022, and, pursuant to its regulations, determined that 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, applicable statutes, regulations, and policies, to include references (b) through (e). Additionally, the Board also considered the advisory opinion (AO) furnished by 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 21 January 1985. While serving aboard the USS █ during its deployment to the █ in August 1986, he received news that his wife had delivered their first child pre-term due to complications which had resulted in the infant's hospitalization.

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c. Due to the ship's security posture and communication status, Petitioner continued serving underway without the ability to obtain further clarification. In addition to the operational stress experienced during the conflict with [REDACTED], Petitioner struggled with not knowing whether his daughter would live long enough for him to return and meet her.

d. After returning from deployment operations, Petitioner's child remained hospitalized in the intensive care unit for months while he and his wife travelled routinely to provide care for her. They encountered difficulties with proper care and struggled to coordinate with medical staff through multiple failed surgeries. They both feared for their child's life and felt that the staff at Naval Hospital [REDACTED] did not adequately care for her, in part, because she was biracial. The strain wore on them; their marriage collapsed under the pressure, and Petitioner's wife moved out of state, taking their child with her after she was finally released from the hospital.

e. Although Petitioner had previously only been a social drinker, he turned to alcohol to cope with the stress of his child's illness and the failure of his marriage. His use developed into alcohol abuse. After nearly two years of service without incident, Petitioner received nonjudicial punishment (NJP) on 15 December 1987 for an Article 86 (unauthorized absence) (UA), from 20 November 1987 through 22 November 1987. He received a suspended reduction in rank, forfeiture of pay, and 15 days of restriction and extra duties.

f. Petitioner's medical records indicate that he began taking Antabuse during December of 1987 to help treat his alcohol abuse. On 11 January 1988, Petitioner's medical screening diagnosed him with alcohol abuse based on psychological dependence and recommended him for level III residential rehabilitation. However, before Petitioner began rehabilitation treatment, he received a second NJP on 15 March 1988 for Article 86 for an 88 minute unauthorized absence.

g. Petitioner's summary of care from 17 June 1988 indicates that he completed alcohol rehabilitation but remained addiction prone and needed to continue his use of Antabuse. Although his alcohol dependence appears to have remained in remission for several months, he relapsed, beginning with a brief UA from 11-12 November 1988. Then, on 17 November 1988, "all of a sudden, he disappeared" with no word to friends or family, taking only his daughter's photo, until his apprehension and return to military authority on 25 August 1989.

h. Petitioner submitted a request for separation in lieu of trial (SILT), which was approved on 28 September 1989, and Petitioner was discharged on 11 October 1989 with a final trait average of 3.8 out of 4.0.

i. Petitioner contends that the in-service stressors of his child's traumatic birth and hospitalization coupled with the dissolution of his marriage led to symptoms of depression which he self-medicated through drinking and which mitigates his resulting alcohol-related misconduct. He submitted evidence of a post-service diagnosis that outlines a history of mental health symptoms of an intermittent bipolar disorder which predate his military service. Petitioner submitted a statement from a shipmate who served with him on the [REDACTED] which confirm the stressful and isolated nature of the deployment, the stress Petitioner experienced with his wife and child, and changes he observed in Petitioner's behavior, demeanor, and drinking habits. A

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letter from Petitioner's wife also relays the difficulties they experienced and confirms the change in his drinking habits and mood over time as they struggled with their daughter's medical care.

j. Based on Petitioner's mental health condition contentions, the Board requested and received enclosure (2) from a qualified mental health provider. Enclosure (2) relied, in part, on evidence of Petitioner's post-service mental health evaluation as well as his in-service diagnosis of substance use disorder. It indicated that it is reasonable Petitioner's extended UA period resulted from an impulsive bipolar episode and that Petitioner would have received a more thorough mental health evaluation in the current military environment given his in-service stressors and alcohol use disorder. As a result, enclosure (2) states that there is evidence Petitioner may have experienced a mental health condition during military service that was exacerbated by in-service stressors, and there is post-service 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 favorable action. The Board reviewed his application under the guidance provided in references (b) through (e) intended to be covered by this policy.

In this regard, the Board notes Petitioner's misconduct and does not condone it; however, the Board observed that Petitioner served without misconduct prior to his experience of significant in-service stressors which likely exacerbated an undiagnosed pre-existing mental health condition and largely contributed to his alcohol dependency and resulting misconduct. As a result, the Board concurred with enclosure (2) and found sufficient evidence to support Petitioner's contention that his alcohol-related unauthorized absences have a sufficient nexus to his in-service stressors and mental health condition to mitigate his misconduct and support an upgrade of his characterization of service to Honorable.

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

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that on 11 October 1989, his "Honorable" discharge was issued under separation authority "MILPERSMAN 3630900" with a narrative reason for separation of "Secretarial Plenary Authority," separation code "JFF," and re-entry code "RE-1."

That 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.

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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.

2/8/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]