



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

[REDACTED]
Docket No: 6376-21

Ref: Signature Date

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

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

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 16 Dec 21

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with this Board requesting his characterization of service be changed to General (under honorable conditions) or Honorable on his Certificate of Release of Discharge from Active Duty (DD Form 214), due to Post-Traumatic Stress Disorder (PTSD) suffered while on active duty. 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 19 November 1985.

c. On 20 November 1985, Petitioner was briefed on the Navy's policy regarding drug and alcohol abuse.

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d. Petitioner attended Electronics Technician (ET) "A" School from May 1986 to March 1987.

e. On 25 March 1987, Petitioner received nonjudicial punishment (NJP) for disobeying a lawful order by having an unauthorized guest in the bachelor enlisted quarters.

f. On 18 April 1988, Petitioner self-referred himself for a Drug and Alcohol Program evaluation for alcohol abuse and was referred to Level III treatment. Petitioner underwent treatment from 31 May – 8 July 88. Although he drank his first weekend in treatment, he realized the seriousness of his problem and was subsequently describe as engaged and participating in his treatment. (See enclosure (2)).

g. On 29 April 1988, Petitioner received NJP for a brief period of unauthorized absence, failure to obey an order, and feigning an injury to avoid duty.

h. On 7 July 1988, Petitioner was notified that he had completed treatment at an Alcohol Rehabilitation Center (ARC), and to report to his command Drug and Alcohol Program Advisor (DAPA).

i. On 31 October 1988, Petitioner was convicted by general court-martial (GCM) of escaping from custody, operating a passenger car in a reckless manner by striking another Sailor, assault, and drunk and disorderly conduct.

j. On 13 March 1989, Petitioner was notified of administrative discharge action by reason of misconduct due to commission of a serious offense. After being afforded his procedural rights, Petitioner elected to waive his right to have his case heard before an administrative discharge board.

k. On 3 April 1989, Petitioner's case was forwarded to the separation authority recommending he receive an other than honorable (OTH) discharge. Petitioner was advised that he had the right to 30 days of inpatient treatment via a Veterans Administration hospital due to his alcohol dependency. At that time, Petitioner elected to decline treatment.

l. On 27 April 1989, the separation authority directed that Petitioner receive an OTH discharge for misconduct due to commission of a serious offense, and that he be offered in-patient treatment via the Department of Veterans Affairs. Medical Petitioner determined that Petitioner was psychologically alcohol dependent.

m. On 17 May 1989, Petitioner was discharged from the Navy for misconduct due to commission of a serious offense with an OTH characterization of service.

n. With his application, Petitioner is claiming he had undiagnosed PTSD during military service. States that during his ET "A" School, his lead instructor was murdered and two others

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shot while he was stationed there and he was held as a character witness. While on the [REDACTED] [REDACTED] in 1987, he witnessed two sailors hit with “jet blast” which blew them up against the island, and another Sailor get chopped up by a propeller of an aircraft. Claims that there was no offer, of any kind of help to those who might have witnessed this event, so he just held onto the traumas, all of them, and dove into the bottle. States that he did time in the brig for his actions in-service, and asked the question “should this be a sentence for the rest of my life?”

o. Enclosure (2), states although it cannot be said with absolute certainty, based on the available evidence, there is sufficient evidence Petitioner exhibited behaviors associated with PTSD during his military service, and some of his misconduct may be mitigated by his PTSD. The misconduct that occurred in March of 1987 would not be mitigated as it occurred prior to the purported traumas.

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 in light of enclosure (2), 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 17 May 1989, 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.

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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.

1/28/2022

[REDACTED]

Executive Director

Signed by [REDACTED]