



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

█
Docket No. 6600-21
Ref: Signature Date

█
█
█

Dear █,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 December 2021. The names and votes of the members of the panel 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 this 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.

A review of your record shows that you entered active duty with the Marine Corps in October 1973. Non-judicial punishment was imposed on you in April 1974 for an orders violation. Later, you were convicted by a special court-martial in May 1975 for unauthorized absences and writing multiple bad checks resulting a sentence of confinement, forfeitures, reduction in paygrade, and a Bad Conduct Discharge (BCD). On 21 October 1975, you were psychiatrically examined and determined to be medically qualified for discharge. You were subsequently discharged from the Marine Corps on 25 November 1975 with a BCD. Post-discharge, you requested an upgrade to your characterization of service to the Naval Discharge Review Board that was denied in February 1978. This Board also denied your request for an upgrade in May 2013.

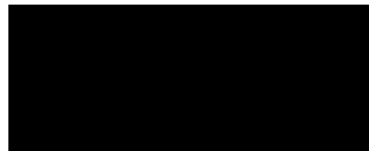
The Board carefully considered your arguments to change your narrative reason for separation to disability. You assert that you were suffering from Post-Traumatic Stress Disorder (PTSD) at the time of your discharge from the Marine Corps due to trauma suffered during live fire exercises and a motor vehicle accident. Unfortunately, the Board disagreed with your rationale for relief. First, the Board noted that you did not provide a diagnosis for PTSD for the Board to

consider. As a result, the Board concluded the preponderance of the evidence does not support a finding that you suffered from PTSD in 1975. Second, even if you were symptomatic for PTSD in 1975, the Board also determined you were ineligible for disability processing due to your punitive discharge from the Marine Corps. Disability regulations directed misconduct based separation processing to superseded disability processing. Third, the Board found no evidence you were not mentally responsible for your misconduct that formed the basis for your BCD. Therefore, based on these factors the board found you were appropriately discharged with a BCD due to misconduct instead of disability. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

12/13/2021

A large black rectangular redaction box covering the signature area.

Deputy Director

Signed by:

A black rectangular redaction box covering the name of the Deputy Director.