



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: 6819-21
Ref: Signature Date

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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 10 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 19 November 2021, which was previously provided to you.

You enlisted in the Navy and began a period of active duty on 7 December 1977. You previously had served over two years of honorable service. On 25 April 1978, you received nonjudicial punishment (NJP) for 17 days of unauthorized absence (UA). On 2 February 1979, you began a period of UA that lasted 1004 days, ending with your apprehension by civil authorities on 2 November 1981. On 22 December 1981, you were convicted by special court-martial (SPCM) of Desertion. You were sentenced to a reduction in paygrade and a bad conduct discharge (BCD). You received your BCD on 6 January 1983.

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 an opioid addiction or mental health condition during your service. The AO noted that based on the current available evidence, there is post-service evidence that you incurred PTSD during military service, but there is insufficient evidence that your misconduct could be mitigated by PTSD.

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 suffered from undiagnosed and untreated mental health conditions while in service, you were discharged for reasons related to this condition, and that you previously completed a period of honorable service; (b) you were diagnosed with PTSD and depression in 2018 and 2019 by the Department of Veterans Affairs (DVA) and have not been able to receive an award for disability compensation due to your other than honorable discharge; and (c) you attended in-house treatment for alcohol abuse during submariner training and at a DVA hospital, both while still in the service. 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 NJP, and very lengthy period of UA lasting well over two years ending only in your apprehension outweighed these mitigating factors. The Board also concurred with the AO that based on the current available evidence, there is post-service evidence that you incurred PTSD during military service, but there is insufficient evidence that your misconduct could be mitigated by PTSD. 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,

1/21/2022

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Executive Director
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