



(NJP) for the foregoing period of UA. Additionally, the Commanding Officer (CO), Transient Personnel Unit (TPU) requested authority to administratively discharge you from the Navy with type warranted by service record (TWSR) characterization of service. The CO noted that you signed a Page 13 stating that you will accept a discharge for convenience of the government. On 15 March 1976, the separation authority granted the CO TPU the authority to process you for administrative discharge from the Navy. On 16 March 1976, you were discharged from the Navy with a General (Under Honorable Conditions) characterization of service.

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 desire to upgrade your discharge character of service and contentions that you incurred PTSD following a combat tour to ■ with the Army, that you began abusing alcohol during your subsequent Navy service to address the unrecognized symptoms, that in three-year interim between your separation from the Army and your decision to reenlist into the Navy, you had become aware that you were having a very difficult time readjusting to civilian life and your drinking had become a major problem, and that you were hoping that the “brotherhood” and camaraderie of military service would help you to get back some sort of normalcy. Additionally, you contend that you are grateful that the Navy sent you to an alcohol rehabilitation center prior to your discharge from the Navy. For purposes of clemency consideration, the Board noted your supporting documentation; however, you did not provide supporting documentation describing post-service accomplishments.

As part of the Board’s review, a qualified mental health professional reviewed your request and provided the Board with an AO on 1 April 2022. The AO noted in pertinent part:

Among the available documents, there is no evidence that the Petitioner was diagnosed with a mental health condition during military service. Throughout his military processing, there were no concerns raised of a mental health condition that required evaluation. Unfortunately, he has provided no post-service medical evidence and no documentation of his purported Army service to support his claims. There is insufficient information regarding the Petitioner’s medication overdose while UA to attribute it to a mental health condition. His personal statement is temporally remote from his military service and not sufficiently detailed to establish a clinical diagnosis or a nexus with his misconduct. Additional records (e.g., post-service records describing the Petitioner’s diagnosis, symptoms, and their specific link to his misconduct) are required to render an alternate opinion.

The AO concluded, “[b]ased on the available evidence, it is my clinical opinion that there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence that his misconduct could be attributed to PTSD.”

Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP, outweighed these mitigating factors. In making this finding, the Board considered the brevity of your service and the seriousness of the offense you committed.

Further, the Board also noted that there is no provision of federal law or in Navy/Marine Corps regulations that allows for a discharge to be automatically upgraded after a specified number of months or years. In addition, the Board concurred with the AO and determined that there is insufficient evidence of a diagnosis of PTSD that may be attributed to your military service, and there is insufficient evidence that your misconduct could be attributed to PTSD. Based on these factors, the Board concluded significant negative aspects of your active service outweighed the positive and continue to warrant a General (Under Honorable Conditions) characterization. While the Board commends your post-discharge good character, after applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service. Accordingly, given the totality of the circumstances, the Board determined 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,

7/7/2022

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Executive Director

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