



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: 7623-21
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 21 March 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 15 February 2022, which was previously provided to you. You were given 30 days in which to submit a response, and when you did not provide a response, your case was submitted to the Board for consideration

You enlisted in the Navy and began a period of active duty on 10 November 1972. During the period from 5 February 1974 to 18 July 1975, you received five instances of nonjudicial punishments (NJP) for wrongful possession of marijuana, using disrespectful language, two brief periods of unauthorized absence, failure to go to restricted men's musters, two days of unauthorized absence and failure to go to your appointed place of duty. Additionally, you were notified you could be considered for discharge because of your frequent involvement of a discreditable nature with military authorities and that failure to overcome your deficiencies could result in such processing. On 23 October 1975, you received NJP for disobeying a lawful order, and disorderly conduct onboard ship. On 24 October 1975, you were notified of administrative discharge action by reason of frequent involvement of a discreditable nature with military

authorities. After you were advised of your procedural rights, you elected to have your case heard before an administrative discharge board (ADB). On 27 October 1975, you signed an agreement to waive your ADB to preclude an undesirable discharge in connection with processing for discharge by reason of unfitness or misconduct, provided you were recommended for a general discharge. On 28 October 1975, your case was forwarded to the separation authority recommending you receive a general discharge. It was stated, in part, that you had been counseled repeatedly concerning your deficiencies. You had shown no desire, however, to improve your military behavior. It was believed that any further counseling efforts in your case was unwarranted. On 13 November 1975, the separation authority directed and you receive a general discharged from the Navy.

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 PTSD during your service. The AO noted that based on the available evidence, there is insufficient evidence that you may have incurred PTSD during military service and that your misconduct could be attributed to 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 you were going through mental health issues related to high levels of operational stress and the loss of fellow service members related to your duties. 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 misconduct that resulted in six NJPs, one of which involved wrongful drug possession, and the fact that you warned of the consequences of further misconduct outweighed these mitigating factors. The Board also concurred with the AO that there is insufficient evidence that you may have incurred PTSD during military service. There is insufficient evidence that your misconduct could be attributed to 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,

3/25/2022

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Executive Director

Signed by: █