



**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: 7698-21  
Ref: Signature Date



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 28 February 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 21 December 2021, which was previously provided to you. The Board also considered your rebuttal to the AO dated 22 January 2022.

On 21 December 1991, you reenlisted in the Navy after serving over six years of honorable service. On 7 January 1993, you were convicted by summary court-martial of two specifications of unauthorized absence (UA) totaling 65 days. You were sentenced to a period of confinement with hard labor, and a reduction in paygrade. On 11 February 1993, you were notified of administrative discharge action for misconduct due to commission of a serious offense. After you were advised of your procedural rights, you elected to waive your right to have your case heard before an administrative discharge board. On 24 February 1993, your case was forwarded to the separation authority with the recommendation that you receive an other than honorable (OTH) discharge. On 3 March 1993, the separation authority directed you receive an OTH discharge for misconduct due to commission of a serious offense. On 4 March 1993, you were discharged from the Navy with an OTH characterization of service.

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 some post-service evidence that you may have incurred PTSD during military service, but there is insufficient evidence 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 contentions that: (a) you were suffering from acute anxiety and PTSD at the time of your offenses occurred, and you were wrongfully separated 30 years ago for being UA; (b) you never denied that offense happened, but due to your Acute Anxiety and PTSD, things could, and did happen, that you could not control; and (c) because your command or medical personnel did not care to find out what was happening to you, you have suffered in all aspects of life. 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 SCM for two periods of UA outweighed these mitigating factors. The Board also concurred with the AO that based on the available evidence, there is some post-service evidence that you may have incurred PTSD during military service, but 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,

3/4/2022

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Executive Director

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