



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: 8072-21
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.

The Board determined that your personal appearance via video or telephonic, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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 17 December 2021, and you were given 30 days in which to submit a response. When you did not provide a response, your case was submitted to the Board for consideration.

You enlisted in the Marine Corps Reserve and completed a period of active duty for training from 27 June to 14 November 1980. You were honorably released from training and transferred to your reserve unit. On 17 October 1983 and 10 February 1984, you were not recommended for promotion because of unsatisfactory drill participation. Your service record indicates a Notice of

make-up drill was sent to you on 18 February 1984. On 28 April 1984, you were counseled regarding your substandard performance and unsatisfactory drill participation. On 2 June 1984, you were counseled concerning your unsatisfactory drill attendance, and notified that an administrative discharge package was forwarded to the separation authority. On 1 September 1984, you received nonjudicial punishment (NJP) for failure to be at your appointed place of duty (Company Formation). Your service record also states that your drug usage was confirmed by urinalysis testing on 9 September 1984. Disposition of your drug usage was not found in your record. On 6 November 1984, the separation authority directed your discharge from the Marine Corps Reserve for unsatisfactory participation in the Ready Reserve. You were discharged with an other than honorable characterization of service. Your original service record was incomplete and did not contain all of the documentation pertaining to your separation from the Marine Corps Reserve. Absent such evidence, the Board relied upon the presumption of regularity and presumed that the officials acted in accordance with governing law/policy and in good faith.

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 Post-Traumatic Stress Disorder (PTSD) or mental health condition during your service. The AO noted that based on the available evidence, there is post-service evidence that you may have incurred a traumatic event in service which contributed to the emergence of PTSD post-service. There is insufficient evidence that you suffered from unrecognized symptoms of PTSD during military service. There is insufficient evidence that you incurred another unfitting mental health condition during military service. There is insufficient evidence that your misconduct could be attributed to PTSD or another unfitting mental health condition.

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 counseled for unsatisfactory drill attendance and given the opportunity to make up those drills, and did make up for those drills, but your discharge processing continued. That your record also shows an alleged positive urinalysis testing, yet no action was taken. Your offenses were documented as either satisfied or not pursued, but you were still discharged. You incurred PTSD and other mental health conditions during military service, and you have been gainfully employed for over 15 years, and a Trustee and faithful member of his church. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct that resulted in one NJP and unsatisfactory drill participation in the Ready Reserve outweighed these mitigating factors. The Board also concurred with the AO that based on the available evidence, there is post-service evidence that you may have incurred a traumatic event in service which contributed to the emergence of PTSD post-service. There is insufficient evidence that you suffered from unrecognized symptoms of PTSD during military service. There is insufficient evidence that you incurred another unfitting mental health condition during military service. There is insufficient evidence that your misconduct could be attributed to PTSD or another unfitting mental health condition. 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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