



**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: 716-22  
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.

Although you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 28 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 16 February 2022, which was previously provided to you, and your rebuttal to the AO received on 8 March 2022.

You enlisted in the Navy and began a period of active duty on 20 August 1985. On 22 August 1985, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 15 April 1986, you were identified as a cocaine user based on a command urinalysis. On 7 May 1986, you received nonjudicial punishment (NJP) for a period of unauthorized absence. On 5 June 1986, you were notified of administrative discharge action by reason of misconduct due to drug abuse. After being afforded your procedural rights, you elected to waive your right to have your case heard before an administrative discharge board. On 27 June 1986, you received NJP for

three specifications of being absent from your appointed place of duty. On 21 July 1986, a Counseling and Assistance Center (CAAC), drug and alcohol evaluation determined you were psychologically dependent on drugs and alcohol. On 13 August 1986, a Drug/Alcohol Abuse Report states you were counseled several times about your continued drug use. You were evaluated by CAAC and found psychologically dependent on drugs, particularly cocaine. On 20 August 1986, your case was forwarded to the separation authority stating you had no potential for further service as evidenced by your inability or lack of desire to refrain from abusing controlled substances and alcohol. On 26 August 1986, the separation authority directed that you be discharged from the Navy, with a characterization of service being, type warranted by your service record. On 29 August 1986, you were discharged from the Navy with a general 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 a mental health condition during your service. The AO noted that based on the available evidence, there is insufficient evidence that you may have been suffering from unrecognized symptoms of PTSD or another mental health condition, other than your diagnosed substance use disorder, during military service and that your misconduct could not be attributed to PTSD or another mental health condition, other than your diagnosed substance use disorder.

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 have a disease of addiction presently in remission, that you suffer from mental health issues such as Depression, Bipolar, and chronic PTSD, and that these conditions were at the core of your substance addiction that formed the basis for your discharge. 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 two NJPs and continued drug abuse, outweighed these mitigating factors. In making this finding, the Board considered that you were warned about the consequences of your continued drug abuse. Additionally, the Board concurred with the AO that, based on the available evidence, there is insufficient evidence that you may have been suffering from unrecognized symptoms of PTSD or another mental health condition, other than your diagnosed substance use disorder, during military service. In addition, the Board agreed that there is insufficient evidence that your misconduct could be attributed to PTSD or another mental health condition, other than your diagnosed substance use disorder. While the Board noted your rebuttal evidence, it agreed with the AO that these conditions manifested many years after your discharge with no evidence to support a similar finding during your active duty service. As a result, the Board concluded that significant negative aspects of your active duty service outweighed the positive aspects and support the General (under honorable conditions) characterization of service you were assigned. 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,

4/4/2022

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Executive Director

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