



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: 1258-22
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted 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 23 May 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 this 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). Additionally, the Board also considered the advisory opinion (AO) furnished by qualified mental health provider, which was previously provided to you. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

You enlisted in the Navy and began a period of active duty on 3 April 1979. On █ you reported to Service School Command (SSC) in █. On █ you were dropped from SSC due to a lack of motivation. In August 1979, you reported to █. On 7 February 1980, you were diagnosed with an adjustment reaction of adolescence after expressing homesickness and a desire to leave the Navy. You were returned to duty, found to be psychologically fit for the same, and no treatment was deemed warranted.

On 22 February 1980, you were notified of your commanding officer's (CO) intent to recommend you be discharged by reason of Convenience of the Government (COG) due to your marginal performance, at which time you waived your right to submit a statement. On 29 February 1980, the separation authority directed you be discharged with an Honorable (HON) characterization of service by reason of COG and you were so discharged.

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 from "less than honorable to honorable" and to add "Unit Honorman" to your Certificate of Release or Discharge from Active Duty (DD 214). For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters.

In connection with your assertion that you were sexually assaulted during boot camp and physically assaulted and sexually harassed while aboard the ship, the Board reviewed, the AO. The AO reviewed your service record as well as your petition and the matters that you submitted. According to the AO:

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated on two occasions and diagnosed with a personality disorder, depression, and an adjustment reaction. A personality disorder indicates characterological traits rendering military service unsuitable. This was based on the clinical history provided by the Petitioner, his clinical presentation to medical evaluators, and his mental status evaluation at the time. Based on available documentation, the diagnosis was properly determined and contributed to his separation from service.

The AO concluded, "Based on the available evidence, it is my clinical opinion that there is evidence of a mental health condition (Adjustment reaction or depression) that may be attributed to military service. There is evidence that the circumstances surrounding his separation from service may be attributed in part to his mental health condition."

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In connection with your request that your discharge be upgraded, the Board noted you currently have an Honorable characterization of service, which is reflected on your DD 214. In connection with your request that "Unit Honorman" be added to your DD 214, the Board noted "Unit Honorman" is not an authorized entry on your DD 214. Finally, the Board concluded the AO was not applicable in your case based on your requested relief. Therefore, after applying liberal consideration, the Board did not find evidence of an error or injustice that warrants a change to your DD Form 214 or granting clemency in your case. Based upon this review, the Board concluded 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,

6/15/2022

