



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 287-23
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
[REDACTED] (DECEASED)

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) NAVCOMPT Form 3065 Leave Request Authorization, 14 Apr 92
(3) NAVPERS 1070/613 Administrative Remarks, 18 May 92
(4) Letter from Subject, 3 Jul 92
(5) Commander, Naval Special Warfare Command, 23 Sep 92
(6) Advisory opinion by Licensed Clinical Psychologist, 3 Apr 23

1. Pursuant to the provisions of the reference, Subject's sister, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting to remove any record of desertion.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 May 2023 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Subject's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 14 April 1992, Subject was granted annual leave for the period 20 April 1992 to 5 May 1992. Enclosure (2).

b. On 18 May 1992, Subject's command, the [REDACTED] submitted an Administrative Remarks (page 13) Report Declaration of Desertion to the Navy Bureau of Personnel (BUPERS-842) declaring Subject a deserter on 5 May 1992, after being in an unauthorized absence (UA) status since 0740 on 5 May 1992. Enclosure (3).

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c. On 3 July 1992, while in desertion status, Subject committed suicide and left a note. Enclosure (4).

d. In an investigation into the circumstances connected with Subject's death, the investigating officer (IO) concluded that his death was an intentional suicide. The investigation noted that Subject had been cited for driving under the influence by the civilian authorities in [REDACTED]. The hearing had been postponed, and was still pending at the time of his death. The IO also noted that the facts uncovered by the investigation revealed that Subject was a very private, yet extremely troubled young man with a history of family tragedy; no one person could have reasonably believed that Subject was a suicide risk; from the collection of statements, it is clear that Subject was a very troubled man; although he apparently did not exhibit outward signs of emotional distress, it is likely that he secretly planned to take his life even before he left the command on leave; and the possible transmission of suicide signals, were not sufficient to give any indication that he intended to kill himself. The IO concluded that Subject checked out on leave with no intention to return. Enclosure (5).

e. In order to assist in reviewing Petitioner's petition, the Board obtained the advisory opinion (AO), which was considered favorable. The AO, in part, reasoned as follows:

There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. The record indicates he was a private person and did not share his personal stressors with his Shipmates. However, the record also indicates the [Subject] was experiencing significant personal stressors at the time of his departure. It is reasonable that the [Subject] may have been experiencing a mental health condition prior to his departure on leave that may have worsened while he was UA and contributed to his suicide.

The AO concluded, "it is my clinical opinion there is evidence the [Subject] may have been experiencing a mental health condition during military service. There is evidence to attribute the circumstances of his separation to a mental health condition." Enclosure (6).

f. In this application, Petitioner contends that Subject was suffering from mental health concerns following family tragedies, which included the death of his mother, childhood abuse and neglect, the death of his brother during the bombing of the [REDACTED], and the severe mental health problems of his father. Petitioner requested the removal of Subject's deserter status to entitle him to have a flag and wreath placed at his grave site. Enclosure (1).

CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found the existence of an injustice warranting corrective action.

The Board substantially concurred with AO that there is sufficient evidence that Subject may have been experiencing a mental health condition during military service and that condition can be attributed to the circumstances. In this regard, the Board noted the investigation and

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determined that the IO's finding were consistent with the statement provided by the Petitioner regarding Subject's mental state. In the interest of justice, the Board concluded that any records of desertion shall be expunged from Subject's naval record.

RECOMMENDATION

In view of the foregoing, the Board directs the following corrective action:

Subject's naval record be corrected by removing any record of desertion.

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Subject's record, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/26/2023

