



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. 4465-23
Ref: Signature Date

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Dear █

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 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 Board waived the statute of limitation 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 13 October 2023. 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 to 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). The Board also considered the advisory opinion (AO) of a qualified mental health provider, which was considered favorable to you.

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

You enlisted in the Navy and began a period of active duty on 14 November 1983. During your deployment aboard the █), an electronic attack aircraft lost control and

plunged into the ocean. Your tour aboard the ██████████ ended on 4 January 1988 and you reenlisted on 10 January 1991.

On 16 October 1991, a Naval Drug Lab message reported your urinalysis screening positive for cocaine. You were informed of processing for administrative separation via notification procedures, on 16 October 1991, for the reason of misconduct due to drug abuse with a least favorable characterization of General (Under Honorable Conditions) (GEN). You elected to waive your right to a hearing before an administrative separation board, and you were discharged, on 12 November 1991, with a GEN and RE-4 reentry code.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to upgrade your final discharge to “Honorable,” to change your narrative reason for separation and separation authority to “Secretarial Authority,” and to change your reentry code to “RE-1.” For purposes of clemency and equity consideration, the Board considered the evidence you submitted in support of your application.

Because you contend that post-traumatic stress disorder (PTSD) condition tied to your traumatic experience aboard the ██████████ in addition to other mental health struggles tied to domestic and family concerns affected the circumstances of your discharge, the Board also considered the AO. The AO stated in pertinent part:

There is no evidence of a mental health condition during the Petitioner’s military service. Post-service, the VA has granted service connection for PTSD with Bipolar Disorder. It is possible that his substance use could be considered a behavioral indicator of avoidance symptoms associated with PTSD or risky behavior associated with an undiagnosed Bipolar Disorder. Additional records (e.g., in-service or post-service medical records describing the Petitioner’s diagnosis, symptoms, and their specific link to his misconduct) may aid in strengthening the opinion.

The AO concluded, “it is my clinical opinion there is post-service evidence from the VA of a diagnosis of PTSD and another mental health condition that may be attributed to military service. There is some post-service evidence to attribute his misconduct to PTSD or another mental health condition.”

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your positive urinalysis, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included a drug offense. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. Further, although the Board concurred with the AO to the extent that there is evidence you experienced either PTSD or a mental health condition which may have affected your conduct prior to your discharge, the Board also observed that your commanding

