



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

█  
Docket No. 5773-23  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 12 October 2023. The names and votes of the members of the panel 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 applications, for the current case as well as Docket No. 8122-20 your previous case, 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). The Board also considered the advisory opinion (AO) from a qualified mental health professional dated 26 May 2021, which was previously provided to you.

In the current submission, the Board carefully considered your request to restore your rate/paygrade to BM3/E-4. You contend you had "PTSD depression and was self-medicating due to the Navy not helping [you] mentally after the death of █ in August 1994 and service in Kuwait 2002." In support of your contentions, you submitted the 19 September 2018 decision letter from the Department of Veterans Affairs (VA) and the 12 September 2018 VA Rating Decision which state "service connection for post-traumatic stress disorder with alcohol use disorder."

The Board noted your previous submission, Docket No. 8122-20, requested upgrade of your discharge characterization to honorable, reentry code changed to "RE-1," and restoration of your rate to GM2/E-5. In your previous submission, you stated your record was unjust and had

“cost [you] federal employment” because you were “turned down for [your] character discharge.” You further stated you “should be returned [your] rank and [your] education benefits.” You contended your requested relief was warranted due to your diagnosis with PTSD with alcohol dependency. The previous Board, relying on the AO and applying liberal consideration, concluded there was insufficient evidence of an error or injustice warranting clemency in the form of an upgraded characterization of service, a changed reentry code, and restoration of your rate.

In the current case, upon review and consideration of all the evidence of record, to include the previous submission and your new evidence, this Board determined there is insufficient evidence of an error or injustice warranting restoration of your rate/paygrade to BM3/E-4. Again the Board noted you did not submit a statement, advocacy letters, or post-service documentation for consideration. Additionally, the Board noted that other than the VA letters, you did not submit any additional supporting evidence demonstrating you suffered from a mental health condition during the time of your military service or that your in-service misconduct could be attributed to a mental health condition. In fact, the Board noted that in 2006, when you requested a discharge upgrade from the Naval Discharge Review Board, you explained in your submission that you were “in a bad place in [your] mind after [you] quit BUD/s because it was a lifelong dream.” The Board further noted the significant delay from the date of your discharge to the effective dates listed in the 19 September 2018 VA letter. Unfortunately, after a complete and thorough review, the Board did not find evidence of an error or injustice that warrants restoration of your rate/paygrade to BM3/E-4, the rate you held when released from active duty on 6 September 1998 at the completion of required active service during your first enlistment.

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 be restored to BM3/E-4 and your contentions noted above. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. 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,

10/16/2023

