



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

[REDACTED]
Docket No: 1992-16

AUG 22 2017

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USN,
[REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) SECDEF Memo of 3 Sep 14 "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD"
(c) PDUSD Memo of 24 Feb 16 "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or TBI"

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Chronological Record of Care PTSD diagnosis of 20 Feb 13

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy filed enclosure (1) with this Board requesting that her narrative reason for separation, separation code and reentry code be changed in light of current guidelines as reflected in references (b) and (c). Enclosures (2) through (4) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 24 May 2017, 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, naval records, applicable statutes, regulations, policies and in-service PTSD diagnosis.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

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c. Petitioner enlisted in the Navy and began a period of active service on 19 December 2001. On 20 July 2012, Petitioner was arrested by civilian authorities for driving under the influence (DUI). On 20 August 2012, she was referred for evaluation for substance abuse. On 9 September 2012, Petitioner again was arrested by civilian authorities for DUI. Although, the record is incomplete, it appears the Petitioner was subsequently processed for administrative separation by reason of alcohol rehabilitation failure with an Honorable discharge.

d. Petitioner submitted enclosure (4), as evidence of an in-service diagnosis of PTSD.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (4), the Board concludes that Petitioner's request warrants relief. Additionally, the Board reviewed her application under the guidance provided in references (b) and (c). Specifically, the Board considered whether her application was the type that was intended to be covered by this policy.

The purpose of the Secretary of Defense memorandum is to ease the process for veterans seeking redress and assist the Boards in reaching fair and consistent results in "these difficult cases." The memorandum describes the difficulty veterans face on "upgrading their discharges based on claims of previously unrecognized" PTSD. The memorandum further explains that since PTSD was not previously recognized as a diagnosis at the time of service for many veterans, and diagnoses were often not made until after service was completed, veterans were constrained in their arguments that PTSD should be considered in mitigation for misconduct committed or were unable to establish a nexus between PTSD and the misconduct underlying their discharge. In this regard, based upon her record of service, to include service in Iraq, her narrative reason and separation code should be changed.

The Board notes Petitioner's misconduct and does not condone her actions. However, the Board's decision is based on Petitioner's evidence as reflected in her PTSD diagnosis and subsequent misconduct. The Board was able to reasonably conclude that the PTSD condition existed at the time of his misconduct, and subsequently resulted in the narrative reason and separation code. After carefully considering all the evidence, the Board felt that Petitioner's assertion of PTSD should mitigate the misconduct she committed while on active duty since her condition outweighed the severity of the misconduct.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

Petitioner's naval record be corrected to show that on 6 March 2013, her narrative reason for separation was "Secretarial Authority."

Petitioner's naval record be further corrected by changing her separation code to "JFF."

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[REDACTED]

Petitioner be issued a new Certificate of Release or Discharge from Active duty (DD Form 214).

A copy of this Report of Proceedings be filed in Petitioner's naval record.

Upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 3 March 2016.

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.

[REDACTED]
Recorder

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 Regulation, 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.

[REDACTED]
Executive director