



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

[REDACTED]  
Docket No. 6531-16  
10159-15  
4764-14  
DEC - 1 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your second reconsideration request received on 30 October 2015. You previously petitioned the Board and were advised in our letter of 1 July 2016, that your application had been denied. Your case was reconsidered in accordance with Board of Correction of Naval Records procedures that conform to *Lipsman v. Secretary of the Army*, 335 F.Supp.2d 48 (D.D.C. 2004).

Your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records on 21 August 2017. 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 application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies. The Board considered the advisory opinion (AO) provided in BUMED memo 5740 Ser M34/16UM36076 dated 12 July 2017 concluding that you provided insufficient evidence to support your contention that you had service connected post-traumatic stress disorder (PTSD).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 28 October 1999. Your military record shows that you were in a long period of unauthorized absence for a period of 531 days from 1 May 2000 to 13 October 2001 until you were apprehended and turned in to military authorities. On 23 October 2001, you requested a discharge in lieu of trial by court martial for being on unauthorized absence status for 531 days. On 26 October 2001, your request was granted and your Commanding Officer directed you be discharged with an Other Than Honorable (OTH) characterization of service. On 14 November 2001, you were discharged with an OTH discharge in lieu of trial by court martial.

Your contention that you suffered from PTSD was fully and carefully considered by the Board in light of the Secretary of Defense's Memorandum, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requested by Veterans Claiming Post Traumatic Stress Disorder" of 3 September 2014.

After careful and conscientious consideration of the entire record, the Board found that the new evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed all potentially mitigating factors, including your assertion of Post-Traumatic Stress Disorder (PTSD) as a reason for your misconduct. You contend that you were traumatized during service by helping a fellow sailor who was suffocating due to difficulty with his gas mask and monitoring a fellow sailor who was placed on suicide watch. The Board substantially concurred with the comments contained in the AO. Specifically, the AO noted that you were not diagnosed with PTSD but have some symptoms that meet the criteria of PTSD. Although you have current PTSD like symptoms, the Board concluded that you did not suffer from PTSD like symptoms prior to the event that led to your OTH discharge. Accordingly, your application has been denied.

It is regretted that the circumstances of your reconsideration petition are such that favorable action cannot be taken again. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. In the absence of sufficient new and material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

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,

[REDACTED]

Executive Director