



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

[REDACTED]
Docket No: 320-17

8065-16
AUG 16 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your Naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 May 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, your naval record and applicable statutes, regulations and policies.

You enlisted in the Marine Corps on 2 August 2004. On 8 July 2005, you received non-judicial punishment (NJP) for wrongful use and possession of marijuana. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After you waived your procedural rights, your Commanding Officer recommended an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. The discharge authority approved this recommendation and directed an other than honorable discharge. On 8 November 2005, you were discharged.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed all potentially mitigating factors, such as character letters, post service conduct, Social Security Administration disability report, your desire to upgrade your discharge and contention that you suffered from post-traumatic stress disorder (PTSD) and self-medicated because of PTSD symptoms. However, the Board concluded that these factors were not sufficient to warrant relief given your misconduct. In this regard, the Board concluded that the seriousness of your misconduct outweighed your desire to upgrade your discharge as evidenced by your illegal drug use and disregard to the Marine Corps zero-tolerance drug policy.

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. In accordance with the guidance, the Board gave liberal and special consideration to your record. After applying these guidelines to the evidence in the case, the Board was not able to substantiate the existence of PTSD. The Board also noted that you were provided an additional 60 days to submit documentation supporting your claim of PTSD to the Board for Correction of Naval Records (BCNR). Unfortunately, the documentation you provided was insufficient to support your claim of post-traumatic stress disorder (PTSD) symptoms. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. 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. The Board was unable to access your medical record. You may submit documentation from your medical record to support your claim.

Sincerely,

[REDACTED]

Executive Director