



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

[REDACTED]  
Docket No: 911-17

JAN - 4 2018

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 October 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. In addition, the Board considered the advisory opinion furnished by the Navy Bureau of Medicine and Surgery (BUMED) dated 25 July 2017, which was previously provided to you and your rebuttal dated 29 September 2017.

On 28 October 1982, you reenlisted in the Navy after serving over three years of honorable service. During the period from 14 September 1983 to 21 February 1985, you were convicted by summary court-martial (SCM) of wrongful use of a controlled substance, by special court-martial (SPCM) of using provoking words, assault, possession and use of cocaine, and being drunk and disorderly, and received nonjudicial punishment (NJP) for wrongful use of a controlled substance. Subsequently, you were processed for separation due to a drug abuse. After being afforded all of your procedural rights, your case was forwarded to the separation authority with the recommendation that you receive an other than honorable (OTH) discharge. On 13 March 1985, medical staff diagnosed you as being alcohol dependent and found no drug dependency. The separation authority concurred with your commanding officer's recommendation and you received an OTH discharge on 19 March 1985.

Your contention that you suffered from Post-Traumatic Stress Disorder (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 and the "Clarifying Guidance to Military Discharge Review Board and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment" memorandum of 25 August 2017. These memorandums recognize that the Board is not an investigative body, but provides supplemental guidance to assist the Board in reaching fair and consistent results when considering whether medical or other evidence indicates PTSD may have contributed to or mitigated the circumstances of a veteran's discharge from the military.

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 your desire to have your characterization of service changed, character reference letters, letters from [REDACTED] Association, [REDACTED] Fellowship Club, [REDACTED] House, [REDACTED] Medical Center, personal statement, and PTSD Disability Benefits Questionnaire. The Board also considered your assertions that you believe your misconduct and substance abuse occurred as a result of a traumatic events and sexual assault. However, the Board concluded the information in your service record and statement you provided was not enough to substantiate your claim of PTSD at the time of your misconduct. In this regard, the Board substantially concurred with the comments contained in the BUMED advisory opinion. 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. 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,

[REDACTED]  
Executive Director