



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

[REDACTED]  
Docket No: 6505-17

APR 16 2019

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,  
XXX-XX-[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"  
(d) PDUSD memo of 25 Aug 17, "Clarifying Guidance to Military Discharge Review Boards 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"

- Encl: (1) DD Form 149 with attachments  
(2) Subject's naval record (excerpts)  
(3) Post-service PTSD diagnosis of 19 Jul 16  
(4) Advisory Opinion of 18 Jan 18

1. Pursuant to reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board, requesting that his discharge with a general (under honorable conditions) characterization of service be changed in light of current guidelines as reflected in references (b) through (d).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 December 2018 and, pursuant to its regulations, determined that the corrective action indicated below be taken on the available evidence of record. Documentary material considered by the Board consisted of the Petitioner's application, together with all material submitted in support thereof, relevant portions of his naval record, applicable statutes, regulations, and policies, and an advisory opinion (AO) dated 18 January 2018.

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

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XXX-XX-[REDACTED]

- a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation, within the Department of the Navy.
- b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.
- c. Petitioner reenlisted in the Navy on 22 December 1989. Petitioner received two driving under the influence (DUI) violations prior to reenlisting. On 12 February 1991, he received non-judicial punishment (NJP) for destruction or loss to government property and drinking or reckless driving. Subsequently, he was notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After waiving his rights, his commanding officer (CO) recommended that he be discharged with a general (under honorable conditions) characterization of service by reason of misconduct due to commission of a serious offense. The discharge authority approved this recommendation and directed that he be discharged with a general (under honorable conditions) characterization of service by reason of misconduct. On 15 March 1991, he was discharged.
- d. On 2 August 2017, Petitioner requested consideration of his case based on his assertion that he suffered from undiagnosed and untreated service-connected PTSD.

#### CONCLUSION:

The Board reviewed Petitioner's application under the guidance provided in references (b) and (c) and determined that Petitioner's application was the type that was intended to be covered by the policy set forth in those references. Next, upon review and consideration of all the evidence of record, and especially in light of enclosures (3) and (4), the Board concluded that Petitioner's request warrants relief.

In this regard, based upon his record of service and the post-service diagnosis of PTSD, the Board finds it would be appropriate grant relief in the form of changing the characterization of Petitioner's service to honorable. The Board noted Petitioner's misconduct and does not condone his actions. However, the Board based its decision on Petitioner's evidence as reflected in the service record and the post-service diagnosis. Petitioner was provided an AO dated 18 January 2018, which is attached as enclosure (4). The AO concluded that there is insufficient evidence to support Petitioner's contention of suffering from PTSD. However, the Board, as noted, voted unanimously against the AO's recommendation and concluded that the AO's recommendation was based primarily on a single event during Petitioner's current enlistment.

The Board concluded that the PTSD condition existed at the time of Petitioner's misconduct and subsequently resulted in his general discharge. After carefully considering all the evidence, the Board finds that Petitioner's PTSD should mitigate the misconduct he committed while on active duty since this condition outweighed the severity of the misconduct. The Board concludes that no useful purpose is served by continuing to characterize the Petitioner's service as having been general (under honorable conditions), and re-characterization to honorable is now more appropriate. In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

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XXX-XX [REDACTED]

RECOMMENDATION:

That Petitioner's naval record is corrected to show that he was issued an honorable discharge on 15 March 1991, rather than the general discharge actually issued on that day, and that he is issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), which, in addition to showing an honorable discharge, also contains a narrative reason for discharge as "Secretarial Authority" and separation code of "JFF."

That a copy of this Report of Proceedings be filed in Petitioner's Naval record.

That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 2 August 2017.

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