



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

[REDACTED]  
Docket No: 7139-17  
DEC 2 8 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your father, Mr. Henry R. Barksdale's 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 16 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.

Your father enlisted in the Navy and began a period of active duty on 9 July 1943. He made significant contributions to the Navy, including participating in combat operations in the Pacific Theater. While serving in the Pacific, you state your father assisted in the recovery operations of the crew of the [REDACTED] after it was attacked by enemy forces. In your petition, you state that your father's cousin, [REDACTED] a crewmember of the [REDACTED] was the victim of a shark attack following the damage to the ship. You contend that your father was not prepared for the sorrow and grief that followed. You also state that you were told that after your father returned from sea duty, he was involved in an altercation that resulted in trauma to his head that was left untreated by the Navy. On 25 February 1946, after returning stateside, your father was found guilty of robbery by the [REDACTED] County Superior Court. On 13 March 1946, your father was directed to be discharged from naval service by reason of the civilian conviction. He was discharged from the Navy on 16 May 1946, with an undesirable discharge.

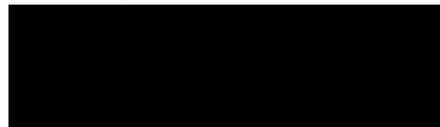
Your application was carefully considered by the Board in light of the Secretary of Defense's Memorandum, "Supplemental Guidance to Military Boards for Correction of Military/Naval

Records Considering Discharge Upgrade Requested by Veterans Claiming Post Traumatic Stress Disorder (PTSD)" 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. The Board noted that your application raises issues of mental distress following your father's operations in the Pacific Theater as well as a contention that he suffered trauma to his skull that was never treated.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material or injustice. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors such as your contention that your father did not receive proper care from the Navy and that his discharge is unjust in consideration of his significant contributions. The Board reviewed the available service record documents, and noted the absence of documentation pertaining to a head injury. Additionally, the Board considered the nature of the crime of robbery in light of the mental strain your father faced following his time in the Pacific, and determined that the struggles he was undergoing did not mitigate his criminal conduct. Even applying the liberal consideration standard, the Board found that the seriousness of the crime of robbery as evidenced by a civilian conviction was sufficient to support the issuance of the undesirable discharge. 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,



Executive Director