



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

[REDACTED]
Docket No: 7832-17

JAN 08 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.

You enlisted in the Navy and began a period of active duty on 1 October 1980. On 30 July 1981, you began a period of unauthorized absence (UA) that lasted over four years, ending on 14 September 1985. On 25 October 1985, you were seen by emergency room personnel due to a situational reaction involving your spouse. On 15 January 1986, you were convicted by general court-martial (GCM) of 1,507 days of UA, failing to obey a lawful order, and resisting apprehension. You were sentenced to 12 months confinement, a forfeiture of pay, a reduction in paygrade and a bad conduct discharge (BCD). You received a BCD on 27 August 1986.

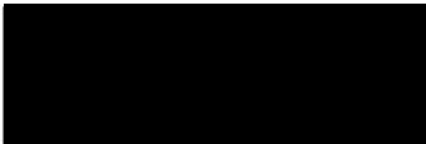
On 1 December 2011, a psychological evaluation states, in part, you suffer from Post-Traumatic Stress Disorder (PTSD) and have had severe traumas during your childhood. Your Diagnostic Classification is that you have PTSD, chronic; Dysthymic disorder, early onset; cocaine dependence, cannabis dependence, and having an antisocial personality disorder.

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, that you turned yourself in to make amends and correcting a wrong, family problem exacerbated your PTSD condition, and the Navy did not want to listen or even try to understand, which compounded your PTSD condition. 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. 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