



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

[REDACTED]
Docket No. 12082-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
USN, [REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USECDEF Memo of 25 Aug 2017 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting an upgrade of his characterization of discharge to Honorable (HON). Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 7 April 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include references (b) through (e). Although Petitioner checked the "PTSD" box on his application, because he did not respond to the Board's request for evidence in support of his claim, no advisory opinion was prepared.

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

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

c. Petitioner enlisted in the Navy and began a period of active service on 13 June 1979.

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d. On 29 September 1979, Petitioner was assigned to Port Services, [REDACTED], in support of the [REDACTED].

e. On 13 January 1980, the Executive Officer (XO) of the [REDACTED] was killed on the deck of the ship when a mooring line parted.

f. On 22 December 1980, Petitioner was transferred from the [REDACTED] to the [REDACTED]

g. On 7 May 1981, Petitioner received non-judicial punishment (NJP) for possession of marijuana. On 2 September 1982, he received his second NJP for possession and use of marijuana.

h. On 9 September 1982, Petitioner was notified of pending administrative separation processing with an Other Than Honorable (OTH) characterization of service by reason of misconduct due to drug abuse. He did not consult with counsel and waived his rights. Shortly thereafter, on 23 September 1982, he again received NJP for possession and use of marijuana.

i. On 25 October 1982, the Commanding Officer recommended Petitioner's discharge stating he had become a liability to the command. The separation authority directed the discharge and Petitioner was discharged with an OTH on 18 November 1982.

j. Petitioner contends the conditions of his discharge were directly related to having worked the mooring lines on the deck of the [REDACTED] and witnessing the XO being killed. He asserts that he spent the rest of that deployment, which ended in December 1980, drinking himself to sleep every night in search of a few hours of peace. After his transfer to the [REDACTED], he suffered from nightmares, sweats, and terror, and his self-medication switched from alcohol to drugs. For purposes of clemency and equity consideration, Petitioner provided his personal statement and DD Form 214.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined Petitioner's request warrants partial relief. The Board reviewed his application under the guidance provided in references (b) through (e).

In this regard, the Board noted Petitioner's misconduct and does not condone his actions. However, the Board found Petitioner's personal account of the trauma he experienced compelling. The Board additionally found the chronology he provided to be factually aligned with his official naval assignments and the substantiated death of the ship's XO. After carefully considering all the evidence, and viewing the record liberally and holistically, the Board was convinced that Petitioner's witnessing of the death of his XO, more likely than not, caused him undiagnosed mental health concerns that partially mitigate his misconduct. In the end, the Board determined the severity of Petitioner's misconduct did not outweigh the mitigation evidence presented. As a result, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner's service as OTH and re-characterization to General (Under

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Honorable Conditions) (GEN) is now more appropriate.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable (HON) discharge. The Board determined an HON discharge was appropriate only if the member's service was otherwise so meritorious any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of Petitioner's conduct and/or performance outweighed the positive aspects of his military record, and that even under the liberal consideration standards, a GEN characterization, and no higher, was appropriate. Finally, the Board concluded that Petitioner's reason for discharge and reentry code remain appropriate in light of his record of misconduct. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the above, the Board recommends the following corrective action.

RECOMMENDATION

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 18 November 1982, indicating his character of service as "General (Under Honorable Conditions)."

That no further changes be made to Petitioner's record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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.

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.

4/23/2025

