



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 6957-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,
USN, ██████████

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)
(c) USD Memo of 25 Aug 17 (Kurta Memo)
(d) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures
(2) Advisory Opinion (AO) of 8 Dec 25

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his discharge be upgraded to honorable. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 10 April 2026 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, applicable statutes, regulations, and policies, to include references (b) through (d). Additionally, the Board considered the advisory opinion (AO) furnished by qualified mental health provider, which was considered favorable to Petitioner.

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. Although Petitioner's 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 the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 6 November 1966.

c. Petitioner deployed to the coastal waters of Vietnam from April 1967 through September 1967, during which time he received hostile fire pay and was awarded the Combat Action Ribbon (CAR).

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d. On 11 May 1967, Petitioner received his first nonjudicial punishment (NJP) for violating Article 86, Uniform Code of Military Justice (UCMJ), for an unauthorized absence from his appointed place of duty after he left the ship while in a duty status.

e. On 21 June 1967, Petitioner received a second NJP for violating Article 92, UCMJ, after refusing to do the extra duty which had been awarded as part of his punishment from his first NJP.

f. On 17 February 1968, Petitioner received a third NJP for another Article 92, UCMJ, violation after brining liquor aboard the ship without permission, in violation of a lawful order.

g. On 17 September 1968, Petitioner's fourth and final NJP was for two specifications of Article 86, UCMJ, violations. For both offenses he was absent from his appointed place of duty due to leaving the bridge without being secured from work and being absent from a rearming detail.

h. On 26 October 1968, Petitioner was discharged due to a reduction of manpower authorization. He was issued a General (Under Honorable Conditions) discharge characterization based on the type warranted by his service record. Although his overall trait average passed the minimum standard for an Honorable characterization of service, his conduct trait average of 2.3 was below the established minimum.

i. Petitioner contends that he experienced Post-Traumatic Stress Disorder (PTSD) and Major Depressive Disorder (MDD) from exposure to enemy fire off the coast of Vietnam during combat operations. He attributes the misconduct to having served in those conditions and seeks an upgraded characterization on the basis of liberal consideration. For consideration of clemency, he also submitted evidence of post-service conduct as a veteran within his community and emphasizes that his military-specific offenses were neither violent nor severe.

j. Because Petitioner contends that a mental health condition affected his discharge, the Board requested the AO at enclosure (2) for consideration. The AO stated in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service. Temporally remote to his military service, the VA has granted service connection for PTSD and a civilian psychologist has considered that he met requirements for PTSD prior to separation. Although he denied mental health symptoms in service, his misconduct did begin after he began receiving hazard pay for deployment to the waters of Vietnam. It is possible that disobedience and UA could be considered behavioral indicators of avoidance and irritability consistent with PTSD.

The AO concluded, "Based on a review of all available evidence, it is my considered clinical opinion that there is post-service evidence from a civilian provider and the VA of a diagnosis of PTSD that may be attributed to military service. There is post-service evidence from a civilian provider and the Petitioner that his misconduct may be attributed to PTSD."

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CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief.

The Board initially concluded Petitioner was appropriately assigned a General (Under Honorable Conditions) characterization of service based on his extensive record of misconduct and overall conduct trait average. The Board noted Petitioner did not deny committing the misconduct that formed the basis of his NJPs and GEN discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's GEN discharge and no error exists with his record.

However, because Petitioner contends that his characterization of service was adversely impacted by misconduct which he attributes to his exposure to combat conditions in Vietnam, the Board applied liberal consideration consistent with references (b) and (c). Applying such liberal consideration, the Board found sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and Petitioner's post-service medical evidence. Additionally, after applying liberal consideration, the Board found sufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by a mental health condition. In this regard, the Board concurred with the AO that it is possible his disobedience and UAs could be considered behavioral indicators of avoidance and irritability consistent with PTSD, as Petitioner did not begin experiencing misconduct until after his exposure to hostile fire conditions. Further, although numerous and persistent, based on the relatively minor nature of Petitioner's misconduct, the Board determined the severity of his misconduct did not outweigh the mitigation offered by any mental health condition. Therefore, the Board determined it was in the interests of justice to upgrade Petitioner's characterization of service to Honorable.

Notwithstanding the recommended corrective action below, the Board determined all other aspects of Petitioner's record remain appropriate. In making this determination, the Board considered that the recommended corrective action amounts to significant relief based on Petitioner's extensive record of misconduct. Further, the Board concluded Petitioner was already afforded substantial clemency from the Navy when they chose not to process him for his misconduct and allowed him to separate for the convenience of the government. Thus, while the Board commends Petitioner's post-service rehabilitation efforts and accomplishments, it determined its recommended relief adequately addresses any injustice in Petitioner's record.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending on 26 October 1968, he was discharged with an "Honorable" characterization of service. That all other information currently listed on Petitioner's DD Form 214 remains the same.

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That Petitioner be issued an Honorable discharge certificate.

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

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.

4/28/2026

