



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

EGA
Docket No: 1220-14
18 February 2015



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 10 February 2015. 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, your naval record, and applicable statutes, regulations, and policies.

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.

You enlisted in the Marine Corps and began a period of active duty on 7 February 2005. You served without disciplinary incident until 2007, when you received three nonjudicial punishments for two specifications of disobeying a lawful order and wrongful use of cocaine and ecstasy.

On 18 July 2008, you were administratively separated by reason of misconduct due to drug abuse with an other than honorable characterization of service. On 30 June 2012, the Naval Discharge Review Board (NDRB) upgraded your characterization of service to general under honorable conditions.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service, prior honorable service, letters of recommendation, assertion of post-traumatic stress disorder (PTSD) as a reason for your misconduct, and the NDRB's decision to upgrade your character of service. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case, given your pattern of misconduct and drug abuse. Accordingly, your application has been denied.

The purpose of the Secretary of Defense memorandum on PTSD is to ease the process for veterans seeking to upgrade an "other than honorable" discharge based on misconduct with a Post-Traumatic Stress Disorder (PTSD) nexus and assist the Boards in reaching fair and consistent results. The memorandum describes the difficulty veterans face on "upgrading their discharges based on claims of previously unrecognized" PTSD. The Secretary explains that since PTSD was not previously recognized as a diagnosis at the time of service for many veterans, and diagnoses were often not made until after service was completed, veterans were constrained in their arguments that PTSD should be considered in mitigation for misconduct committed or were unable to establish a nexus between PTSD and the misconduct underlying their discharge. The policy specifically covers veterans who received other than honorable discharges.

You received a general discharge under honorable conditions; a characterization of service that is greater than an other than honorable discharge. Accordingly, the panel determined that your application was not covered by the guidance. In making this decision, the panel closely examined both the language and intent of the policy memorandum.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board within one year from the date of the Board's decision. 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,

A handwritten signature in cursive script, appearing to read "R. J. O'Neill".

ROBERT J. O'NEILL
Executive Director