



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 8496-97  
2 September 1999

Dear [REDACTED]

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 24 August 1999. 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. In addition, the Board considered the advisory opinion furnished by the Department of Psychiatry, Naval Medical Center, a copy of which is attached.

After careful and conscientious consideration of the entire record, and notwithstanding the Naval Medical Center's advisory opinion, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 14 January 1966 at the age of 19. Your record reflects that on 30 June 1966 you received nonjudicial punishment (NJP) for failure to obey a lawful order and were awarded \$20 forfeitures. On 8 August and again on 26 October 1967 you received NJP for a two day period of unauthorized absence and absence from your appointed place of duty.

Your record further reflects that on 23 March 1968 you were convicted by summary court-martial (SCM) of insubordination and two incidents of misbehavior as a sentinel. You were sentenced to confinement at hard labor for 30 days and forfeitures totalling \$50. Approximately five months later, on 30 August 1968, you were convicted by SCM of a two day period of UA and disobedience. You were sentenced to reduction to paygrade E-1, forfeitures totalling \$30, and restriction for 60 days. On 9 October 1968 you received your fourth NJP for failure to obey a lawful order. The punishment imposed was confinement on bread and water for three days. Shortly thereafter, on 6 December

1968, you were convicted by special court-martial (SPCM) of disrespect, assault, resisting arrest, two incidents of breaking restriction, drunk and disorderly conduct, and wrongfully wearing the insignia of a corporal. You were sentenced to forfeitures totalling \$380, confinement at hard labor for four months, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and ordered executed, and on 16 October 1969 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, limited education, combat service in Vietnam, including the award of the Purple Heart, and your alcohol abuse problem. The Board further considered your contention that your misconduct was caused by your post traumatic stress disorder (PTSD) which has been diagnosed by the Department of Veterans Affairs. The Board also considered the favorable recommendation set forth in the advisory opinion. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct which resulted in four NJPs and three court-martial convictions. Further, the Board noted that neither an alcohol problem nor PTSD excuses misconduct. Given all the circumstances of your case the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

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. 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,

W. DEAN PFEIFFER  
Executive Director

Enclosure



Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
FORMER [REDACTED]

unauthorized absence in the area for approximately two days. He was not referred for medical evaluation or treatment.

e. On 29 July 1966 to 08 December 1967, the member served a total of 396 days of combat duty in Vietnam. A vastly superior force of North Vietnamese Army ambushed his unit on two separate occasions. His buddies were shot and killed at his side. His officer was shot and killed at his side. He suffered severe abdominal wounds requiring evacuation and surgical treatment. He was returned to duty only to experience a similar situation in his first combat operation. During this thirteen-month tour, he participated in twelve separate major combat operations incurring the loss of his fellow Marines and suffering the thought that he would die while exposed to prolonged and severe emotional, physical, and psychological stress.

f. After returning from combat duty, from 26 OCT to 30 OCT 1968, the member was charged with twelve separate but related offenses, most of which occurred during a single period of alcohol intoxication. The last six of the seven offenses were related to that episode which culminated in a bad conduct discharge.

g. The frequency and severity of the member's misbehavior accelerated during the twelve-month period occurring after thirteen months of combat duty in Vietnam.

h. In spite of repeated evidence of alcohol abuse, the member during this time was never referred for evaluation and treatment.

i. A Neuropsychiatry evaluation occurred during pre-trial procedures on 15 January 1969. During that evaluation, the physician failed to address the issue of Posttraumatic Stress Disorder and centered the weight of his examination and conclusions on a history of alcohol abuse occurring prior to and after combat duty. The interviewer failed to point out the accelerated and severe change and deterioration of the member's behavior. The member was then offered minimal education for his alcohol problem, which was insufficient and inappropriate for the severity of his illness.

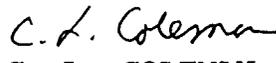
j. A psychiatric evaluation by the Veteran's Administration documented a diagnosis of posttraumatic stress disorder on 03 DEC 97.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
FORMER P [REDACTED]

3. CONCLUSIONS: The patient suffered from PTSD resulting in an exacerbation of his alcohol dependence and subsequent unacceptable behavior. The patient was suffering from two major mental illnesses. Advanced alcohol dependence and posttraumatic stress disorder. Neither of these conditions was appropriately identified or treated. The combat stress appeared to have resulted in an exacerbation of the alcohol dependency as evidenced by unacceptable behavior. In retrospect, the standard of care would have been to identify and treat the alcohol dependency problem early on. The patient would have been treated and entered into a recovery program. Failing to comply or benefit from treatment the member would have been administratively separated prior to disciplinary action. That failing, once the combat stress factor occurred, the patient should have been identified for both conditions, offered treatment, and either medically boarded or separated administratively with a general or honorable discharge.

4. RECOMMENDATIONS: There is sufficient evidence to support a conclusion that the condition of Posttraumatic Stress Disorder existed at the time of the member's misconduct and did impair his ability to conform to the standard of acceptable behavior and performance. This evidence is sufficient to justify a change in diagnosis prior to discharge and a reversal of his discharge and an upgrade in the character of discharge.

  
C. J. HOCKETT (P)  
CDR MC USN

  
C. L. COLEMAN (P)  
CAPT MC USN