



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 2700-99

19 June 2000

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. You request, in effect, that you record be corrected to show that you were discharged by reason of physical disability because of attention deficit/hyperactivity disorder.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 June 2000. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that attention deficit/hyperactivity disorder is not, and never has been, considered to be a disability under laws administered by the Department of the Navy. The Board also noted that even if you had been unfit for duty because of a disability incurred in or aggravated by your service, you would not have been entitled to disability evaluation processing, because a discharge by reason of misconduct takes precedence over and, absent extraordinary circumstances, precludes disability separation or retirement. As you know, you were discharged by reason of misconduct based on your illegal use of drugs. Although the execution of your discharge was suspended by the discharge authority for a short period of time, the suspension was vacated due to further misconduct committed by you. The available records do not indicate the specific nature of the misconduct; however, the Board was not persuaded that the vacation action was improper.

In view of the foregoing, 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