



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

JRE
Docket No: 5871-01
10 May 2002

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that separated or retired from the Marine Corps by reason of physical disability, and that his service be characterized as honorable, rather than under honorable conditions.

2. The Board, consisting of Messrs. Harrison, Shy and Zsalman, reviewed Petitioner's allegations of error and injustice on 25 April 2002 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps on 14 October 1998. He was hospitalized from 16 October to 6 November 2000 secondary to a suicide attempt by overdosing on multiple prescribed medications. Initially, he was diagnosed as suffering from major depression with psychotic symptoms (axis I) and a personality disorder (axis II), but upon his release from that period of hospitalization, he was given no diagnosis on axis I, and of a personality disorder not otherwise specified, on axis II. He was discharged from the Marine Corps on 6 December 2000, by reason of the personality disorder. He was separated with a

discharge under honorable conditions, as directed by the discharge authority. The averages of his proficiency and conduct marks were 4.6 and 4.5, respectively. He did not receive nonjudicial punishment during his enlistment, and had no convictions by court-martial.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that the available records are insufficient to demonstrate that Petitioner was unfit for further service by reason of physical disability. In this regard, it notes that a personality disorder is not considered to be a disability under the laws administered by the Department of the Navy, and that he has not demonstrated that he was suffering from a major mental disorder at the time of his discharge. It also concludes that the characterization of his service as under honorable conditions was within the authority of the discharge authority. It finds, however, that in view of his excellent proficiency and conduct marks, and the absence of any acts of misconduct, apart from his suicide attempt, which was undoubtedly related to the effects of his personality disorder, it would be in the interest of justice to upgrade his discharge to honorable.

RECOMMENDATION:

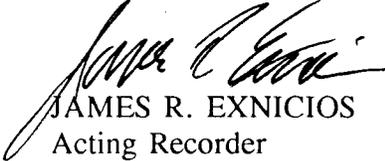
a. That Petitioner's naval record be corrected to show that he was discharged from the Marine Corps on 6 December 2000 with an honorable discharge.

b. That so much of Petitioner's request for correction of his naval record as exceeds the foregoing be denied.

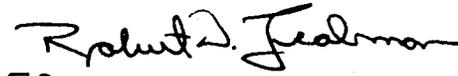
c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

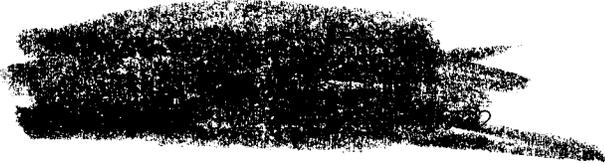
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


for W. DEAN PFEIFFER
Executive Director



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Dear [REDACTED]:

This is in reference to your application for correction of your naval record submitted pursuant to the provisions of title 10 of the United States Code, section 1552.

The final decision in your case is set forth in the Board's report of proceedings, a copy of which is enclosed. The approved changes to your naval record will be made by the Commandant of the Marine Corps (CMC). After CMC makes these changes, the Defense Finance & Accounting Service (DFAS) will review your record and make payment of any money that you may be entitled to. Questions concerning money paid and/or the manner of computation should be directed to DFAS-POCC/DE, 6760 E Irvington Place, Denver CO 80279-7000. Also, you should immediately notify DFAS of any change in your mailing address.

With regard to the portion of your application that was denied you are entitled to reconsideration only upon the submission of new and material evidence or other matter not previously considered by the Board.

Sincerely,

JAMES R. EXNICIOS
Head, Disability Section

Enclosure

Copy to:
DFAS-POCC/DE