



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

DJC
Docket No. NR8290-13
28 Jan 15

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 December 2014. 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. In this connection, the Board substantially concurred with the comments contained in your record. You enlisted in the Marine Corps on 5 August 1997. You were convicted by summary court-martial on 16 November 2001 of unlawfully entering female students' barracks rooms, assaulting two Marines who were junior to you, and unlawfully entering the barracks rooms of three other Marines. The sentence included reduction to corporal, forfeiture of \$1,050.00 pay per month for one month, and restriction to specified limits. You were evaluated by a clinical psychologist on 23 April 2003, and given diagnoses of: adjustment reaction with depressed mood/complicated bereavement on Axis I, clinical syndromes; a deferred diagnosis on Axis II, personality disorders; and loss of social support in your brother's death on Axis IV, psychosocial stressors. After speaking further with you and members of your command, the psychologist added a diagnosis of a personality disorder and recommended administrative separation. You were discharged by reason of a personality disorder on 20 June 2003, with a discharge under honorable conditions (general).

The Board was not persuaded that you were unfit by reason of physical disability at the time of your discharge. In this regard, it noted that an adjustment disorder is not considered a disability under the laws administered by the Department of the Navy. In addition, the available records do not demonstrate that you suffered from an unfitting mental disorder such as major depression. The fact that the Department of Veterans Affairs (VA) awarded you disability ratings for multiple conditions effective the day following your discharge from the Marine Corps was not considered probative of the existence of error or injustice in your naval record because the VA awarded those ratings without regard to the issue of your fitness for naval service. Accordingly, your application with the Board 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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. 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,



ROBERT J. O'NEILL
Executive Director