



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

SJN
Docket No: 3010-14
11 December 2014

5 U.S.C 552(b) (6)

Dear Mr. 5 U.S.C 552(b) (6)

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 November 2014. 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 28 June 1968. On 16 June 1969, a medical board diagnosed you with a passive aggressive personality disorder that existed prior to your enlistment. Subsequently, you were notified of pending administrative separation action by reason of unsuitability due to the diagnosed disorder. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. Your case was forwarded and the discharge authority directed that you received a general discharge by reason of unsuitability. You were so discharged on 15 August 1969.

On 17 August 1977, the Naval Discharge Review Board (NDRB), under a Special Discharge Review Program, upgraded your discharge to honorable.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service and assertion that in the absence of a diagnosed post-traumatic stress disorder (PTSD), your separation code is nonexistent and erroneous. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant a change to your separation code given the reason for your discharge. In this regard, your separation code means you met the criteria needed under a Special Discharge Review Program as outlined under the authority of title 10 U.S.C. Section 1553. In this regard, you were assigned the most appropriated separation code based on your circumstances. Regarding your assertion of suffering from in-service PTSD, there is no evidence in the record to support it, and you submitted no such evidence. Accordingly, your application has been denied.

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 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 your 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL
Executive Director