



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

JDR
Docket No: 7100-14
17 August 2015

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

Dear 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, 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 6 July 2015. 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.

Further, regarding your request for a personal appearance, be advised that Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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, began a period of active duty on 27 January 2002, and served without disciplinary incident

until your discharge on 24 October 2003. Although the discharge documentation is not in your record, it appears that administrative separation action was initiated by reason of personality disorder.

The Board, in its review of your application and record (although incomplete), carefully weighed all potentially mitigating factors, such as your period of satisfactory service and your desire to upgrade your narrative reason for separation and reentry code. The Board also considered your assertion that you have never had a personality disorder, that you were wrongly rated, and your recent medical diagnosis of adjustment disorder with mixed anxiety and depressed mood and post-traumatic stress disorder (PTSD). Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your narrative reason for discharge and reentry code. In the absence of discharge documentation in your record, the board must presume regularity with all official records, to include the documented reason for separation on your Certificate of Release or Discharge From Active Duty (DD Form 214). The Board noted that the medical documentation containing your self-reported instances of self-mutilation while on active duty may have contributed to the diagnosis of personality disorder and subsequent discharge. Finally, the Board noted that an RE-3P reentry code is authorized by regulatory guidance and may not prohibit reenlistment or commissioning, but requires that a waiver be obtained from recruiting personnel who are responsible for determining whether you meet the requirements for reentry.

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 within one year from the date of the Board's decision. 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