



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

ES  
Docket No: 9430-14  
20 May 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 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 29 April 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.

You enlisted in the Navy and began a period of active duty on 10 October 1972. Shortly thereafter, you were recommended for an administrative separation due to unsuitability as evident by sleep walking. Although the separation documentation is not in the record, it appears that administrative separation action was initiated by reason of unsuitability, and on 10 November 1972 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to have the narrative reason for separation changed and reflected on your Certificate of Release or Discharge from Active Duty (DD Form 214). Nevertheless, the Board concluded this factor was insufficient to warrant relief in your case because you were appropriately discharged due to the diagnosed sleep walking condition which rendered you unsuitable for

further service. In this regard, your record contains a DD Form 214 which reflects your narrative reason for separation as "unsuitability," which is authorized by regulatory guidelines and assigned when Sailors are separated due to sleep walking. A copy of the DD Form 214 which reflects your narrative reason for separation is enclosed for your information. 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