



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

ES
Docket No: 10851-14
4 June 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 8 May 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.

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 Navy and began a period of active duty on 23 June 1999. You served for about eight months without disciplinary incident, but on 6 March 2000, you received nonjudicial punishment (NJP), for an unauthorized absence totaling 27 days, wrongfully soliciting another individual to miss movement, and hindering the apprehension of an individual.

Shortly thereafter, on 14 March 2000, you were diagnosed with a personality disorder and subsequently recommended for administrative discharge by reason of convenience of the

government due to the diagnosed personality disorder. The record reflects that on 14 April 2000, while serving in paygrade E-1, you were discharged with a general discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your assertion of post-traumatic stress disorder and desire to change your narrative reason for separation. Nevertheless, the Board concluded these factors were insufficient to warrant relief in your case given the severity of your misconduct which resulted in an NJP and the diagnosed personality disorder. Regarding your assertion, the Board noted that the severity of your misconduct outweighed the mitigation offered by your unsubstantiated claim for PTSD. 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