



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

TJR
Docket No: 2426-14
13 April 2015

[REDACTED]

Dear [REDACTED]

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 31 March 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 Marine Corps, began a period of active duty on 9 August 1993, and served without disciplinary incident until 5 May 1996, when you received nonjudicial punishment (NJP) for destroying government property, assault, and disobedience.

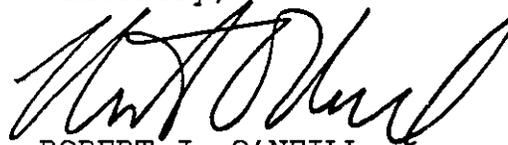
In January 1996, following a psychiatric evaluation, you were diagnosed with a personality disorder and recommended for an administrative separation. You were counselled regarding your personality disorder, immaturity, and disruptive behavior. As a result, you were not recommended for retention or reenlistment due to the diagnosed personality disorder and NJP.

Subsequently, you were processed for an administrative separation by reason of convenience of the government due to the diagnosed personality disorder. The discharge authority directed an honorable discharge by reason of convenience of the government, and on 29 March 1996, 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 change your narrative reason for separation in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Law, Privacy Rule. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the diagnosed personality disorder and your misconduct, which resulted in NJP. Finally, the Board noted that your narrative reason for separation as reflected on your Certificate of Discharge or Release from Active Duty (DD Form 214) is in no way in violation of the HIPAA Law, which establishes standards to protect individuals' medical records and other personal health information, and applies to health plans, health care clearinghouses, and those health care providers that conduct certain health care transactions electronically. 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,



ROBERT J. O'NEILL
Executive Director