



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

EGA
Docket No: 4304-14
6 July 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 June 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.

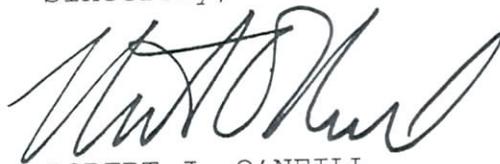
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board did not find persuasive evidence in your case that would qualify you for a medical retirement. The Board took into consideration your post service medical evaluations and subsequent diagnosis of bipolar disorder. However, your service records contained no evidence of treatment for this condition. The Board noted that you were referred to the Physical Evaluation Board (PEB) due to your chronic back pain, but again found no evidence of complaint or treatment for bipolar disorder during the evaluation process. As a result, the Board was unable to determine, based on the available evidence, whether your post service bipolar disorder would have been unfitting in the absence of objective evidence demonstrating the inability to perform all military duties. In regards to your request to remove your nonjudicial punishment

(NJP) and reinstatement of your rank, the Board was unable to determine whether or not your bipolar disorder was present at the time of your misconduct.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to remove the NJP, and allegations of being wrongfully punished under the Uniform Code of Military Justice (UCMJ). Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because no error or injustice was identified during the administration of your NJP. Specifically, the Board determined the NJP was properly imposed as a result of your repeated misconduct and your attempt to remove administrative and punitive information from your record. 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 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director