



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

SJN  
Docket No: 509-14  
24 February 2015



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 3 February 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 and began a period of active duty on 26 October 1992. On 6 August and 2 November 1993, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty, sleeping on post, disrespect and destruction of government property. Based on the information currently contained in your record, on 1 October 1993, a medical board forwarded its opinion that the diagnoses of a bipolar disorder did not exist prior to your entry onto active duty, but your borderline personality disorder did exist prior to entry onto active duty. It was recommended that your case be referred to the Physical Evaluation Board (PEB) for final adjudication. On 8 December 1993, the PEB found you unfit for duty, your bipolar disorder existed prior to entering the service, and not

aggravated by your service. A service entry states that you were being discharged for the convenience of the government after being diagnosed with bipolar disorder that existed prior to your entry onto active duty. After being afforded all of your procedural rights, you were honorably discharged on 17 March 1994. Your narrative reason for separation was "physical disability, existing prior to entry."

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service and desire to change the reason for your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant changing the reason for your discharge given your misconduct and diagnoses of bipolar disorder that existed prior to you entering the service. 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