



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

TAL
Docket No: 11314-14
20 November 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 15 October 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 16 October 1995. On 22 January 1996, you were the subject of a psychiatric evaluation after your release from an inpatient psychiatric center for overnight observation following suspicion of a suicidal gesture. During the evaluation you stated in part, that you felt frustrated, had fleeting thoughts of self-harm, anxiety, animosity, feelings of persecution, confusion, fears of abandonment and evidence of depression that existed prior to your enlistment. You were diagnosed with dysthymia, and with a borderline passive aggressive personality disorder that existed prior to your enlistment. You were recommended for expeditious administrative separation due to your inability to adapt to military service. Subsequently you were notified of pending administrative separation by reason of your diagnosed personality disorder. Your commanding officer directed an uncharacterized separation and you were so discharged on 27 February 1996.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge. Nevertheless, the Board found that these factors were not sufficient to warrant relief in your case due to your diagnosed personality disorder. The Board noted that you were notified of your separation process within 180 days of the beginning of your period of active service. Applicable regulations authorize an uncharacterized entry level separation if the processing of the individual's separation begins within 180 days of entry on active duty. You were not assigned a dishonorable characterization. Accordingly, your application has been denied.

Further, regarding your request for a personal appearance, Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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)

SEP 29 2016

SCOTT F. THOMPSON
Executive Director