



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

[REDACTED]
Docket No. 7243-16

APR 09 2017

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 March 2017. 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.

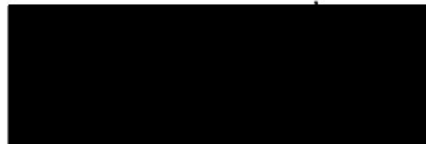
A review of your record shows you entered active duty with the Navy on 12 January 2011. In April 2012, you were diagnosed with Dysthymic disorder but released without limitations. On 8 June 2012, you were counselled for repeated tardiness to work which resulted, in part, in a 2.0 performance evaluation in July 2012. On 31 August 2012, you were diagnosed with Adjustment Disorder and Dysthymic Disorder. The medical report stated that your dysthymic disorder existed prior to your entry into the Navy and was aggravated by your inability to adjust to the military environment. Subsequently, non-judicial punishment was imposed on you for an orders violation qualifying you for administrative separation processing for pattern of misconduct. You were discharged on 20 November 2012 with a General characterization of service for pattern of misconduct.

The Board carefully considered your arguments that you deserve a disability discharge since your depression and sleep disorder contributed to your misconduct. Unfortunately, the Board disagreed with your rationale for relief. First, the Board was unable to find evidence to support a finding that you were unfit for continued naval service due to a qualifying disability. While you were diagnosed with Dysthymic disorder, the 31 August 2012 medical report stated that it was not the primary disqualifying condition. The Board concluded that your Adjustment disorder was the primary disqualifying condition, however, service regulations define adjustment disorders as conditions not a disability. In addition, the Board was unable to find evidence that you suffered from a sleep disorder that made you unfit for continued naval service. Therefore,

the Board determined you did not possess a qualifying disability condition to support a disability discharge. Second, even if you possessed a qualifying disability, the Board determined that you were not eligible for a disability separation since your misconduct processing would have superseded any disability processing. Third, the Board concluded that you were properly separated due to misconduct. In the absence of contrary evidence, the Board relied upon the presumption of regularity that you were properly processed for administrative separation for misconduct. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. 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 solid black rectangular box used to redact the signature of the Executive Director.

Executive Director