



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

[REDACTED]
Docket No: 7998-16

DEC 04 2018

[REDACTED]
Dear [REDACTED]

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 11 September 2017. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

You began a period of active duty in the Navy on 21 August 1994. Between 23 and 30 August 1996, you were evaluated by a medical officer at Naval Medical Center Portsmouth, Virginia which found you unsuitable for further military service and stated that you "manifest a long-standing disorder of character and behavior, which is of such severity as to interfere with serving adequately in the Navy." The medical officer recommended that your further service in the Navy rest solely with your command. On 5 September 1996, your Commanding Officer (CO) notified you of your procedural right regarding his recommendation to administratively separate you by reason of Convenience of the Government on the basis of personality disorder. On 6 September 1996, you acknowledged your notification for administrative separation proceedings against you, at which time you waived your procedural rights to consult with legal counsel, and to present your case to an administrative discharge board (ADB). On 17 September 1996, you acknowledged by signing your Release or Discharge from Active Duty Form (DD 214) which directed your final separation as general (under honorable conditions) characterization of service.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material or injustice. 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 to honorable and your

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contentions that you have a service connected disability rating of a 100% by the VA in [REDACTED] and you cannot receive benefits from USAA and other places because of your current discharge. The Board concluded these factors were not sufficient to warrant relief in your case and found no impropriety or inequity in your discharge. The Board also noted that you waived your right to an ADB, and thereby forfeited your best opportunity to receive a better characterization of service. Accordingly, your application has been denied.

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,

[REDACTED]

Executive Director