



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

Docket No. 4375-21
Ref: Signature Date

Dear

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 October 2021. 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.

A review of your record shows that you entered active duty with the Navy in December 1990. On 10 April 1991, you were admitted for mental health treatment after complaining of stress related insomnia, occupational problems associated with the Nuclear Power Program, and personal issues. You were diagnosed with an Adjustment and Personality Disorder while receiving a recommendation for administrative separation. You were disenrolled from the Nuclear Power Program on 17 April 1991 and administratively discharged on 10 May 1991 based on your personality disorder diagnosis.

The Board carefully considered your arguments that you deserve a disability discharge based on your 100% disability rating and inability to qualify for full disability benefits including an Identification Card (ID). Unfortunately, the Board disagreed with your rationale for relief. In reviewing the evidence in your case, the Board concluded the preponderance of the evidence supports your reason for separation from the Navy. Your medical record documents your personality disorder diagnosis issued in April 1991 that formed the basis for your administrative separation from the Navy. The fact you may be rated a combined 100% approximately 30 years after your discharge from the Navy did not persuade the Board that your discharge from the

Navy was erroneous or unjust. In the Board's opinion, too many potential intervening factors exist to be able to reasonably rely on your current medical condition to change the basis for your discharge from the Navy. Rather, the Board felt your April 1991 medical diagnosis, issued contemporaneously with your brief active duty service, was more reliable as evidence of your medical condition at the time of your discharge from the Navy. Finally, the Board was also not persuaded by your arguments of injustice based on your assertions of inability to obtain an ID card or other disability benefits. The Board noted that your 100% disability rating qualifies for substantial tax free compensation, free medical care, and other associated benefits such as commissary and exchange shopping privileges. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely, _____
10/12/2021

Deputy Director