



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

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Docket No. 2626-22
Ref: Signature Date

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Dear Petitioner:

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 29 August 2022. 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 enlisted in the Navy and commenced a period of active duty on 20 December 1976. On 4 December 1978, you were found to have a personality disorder characterized by anger and hostility. On 8 December 1978, you were discharged with an "under honorable conditions" characterization of service for unsuitability based on your diagnosed personality disorder.

In your petition, you have requested that you be provided a 100% disability, compensation, and your entry date be changed on your Certificate of Release or Discharge from Active Duty (DD Form 214). In support of your request, you contend that you are entitled to this relief based on injustice and a review of your service records.

The Board carefully considered your arguments, including the entirety of your petition and its enclosures, and disagreed with your rationale for relief. In order to qualify for military disability benefits through the Disability Evaluation System with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. In denying your request for a medical discharge, the Board observed that there were no findings that you had a qualifying disability condition while you

were on active duty. In reaching its conclusion, the Board also determined that the presumption of regularity applied to the process employed with respect to your separation processing. Your record does not contain any documentation, nor did you provide any, to support any claim that there was an error or injustice in your separation from the Navy. In addition, the Board did not find any basis for awarding you compensation or to change your active duty service dates. A review of your entire record provided no evidence that an error or injustice exists. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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.

Sincerely,

9/15/2022

