



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

█  
Docket No. 0181-23  
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 20 April 2023. 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 15 February 1974. On 10 January 1975, you were notified of the initiation of administrative separation processing and your rights in connection therewith due to "Immature Personality (301.89) manifested by impulsivity, inability to adjust, poor motivation and long history of parental neglect, abuse and rejection." On 14 January 1975, your commanding officer recommended that you be discharged due to the personality disorder diagnosis. You were so discharged on 17 January 1975.

In 2020, you filed a petition with this Board. The decision letter is not in your record, but the Board presumed the relief that you requested was denied inasmuch as your current petition seeks reconsideration.

In your current petition, you request that the Board remove the "falsely labeled diagnosis immature personality" from your record. You also contend that the Department of Veterans' Affairs (VA) recently awarded you a disability benefit and you request that the benefit be retroactively applied to 1975.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that there is no indication that the medical diagnosis that you received in 1974 was incorrect. The diagnosis was based on facts and circumstances that existed at the time and constituted a contemporaneous diagnosis. The Board discerned no evidence that the diagnosis was improvidently made, and you provided no contemporaneous evidence supporting your contention. Further, the Board observed that your Certificate of Release or Discharge from Active Duty (DD Form 214) does not contain the diagnosis under the Narrative Reason portion, and thus there is no potential stigma from public disclosure of the diagnosis carried forward in that document. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

With respect to your request that the Board direct the VA to backdate your award of VA benefits, you should be advised that the VA is a separate and distinct entity from this Board, and makes its own findings and conclusions with respect to the award of VA benefits and the effective date of such benefits. Therefore, the Board took no action on your request and recommended you redirect your request to the VA.

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,

5/5/2023

