



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 6609-00
24 September 2001



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 September 2001. 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. In addition, the Board considered the undated advisory opinion furnished by designees of the Specialty Leader for Psychiatry, a copy of which is attached, and the information submitted in rebuttal thereto.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board was not persuaded that your discharge by reason of misconduct was erroneous or unjust, or that you were unfit by reason of a physical disability incurred in or aggravated by your brief period of military service. Accordingly, your application has been denied. 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. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter 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,

W. DEAN PFEIFFER
Executive Director

Enclosure

DEPARTMENT OF PSYCHIATRY
NAVAL MEDICAL CENTER
PORTSMOUTH, VIRGINIA 23708-2197

From: Case Reviewers

To: Chairman, Board of Correction of Naval Records,
Department of the Navy, Washington, D.C. 20370-2197

Subj: APPLICATION FOR CORRECTION OF NAVAL RECORDS IN THE CASE OF


Ref: (a) Your ltr dtd 12 APR 01

Encl: (1) BCNR file
(2) Service Record
(3) VA Record

1. Pursuant to reference (a) a review of enclosures (1-3) was conducted to form opinions about the subject petitioner's claims that he was suffering from a psychosis when he was absent without authority during the 13 JUN 90 – 07 JUL 90 period, and that his discharge for the good of the service in lieu of trial by court-martial for that offense was therefore erroneous.

2. Facts of the case:
 - (a) The petitioner enlisted in the United States Marine Corps on 08 August 1989.

 - (b) On 05 April 1990, he was started on lithium carbonate by his general medical officer for a suspected bipolar disorder. A psychiatry consult was placed, but he missed his first appointment because he did not have his medical record. Over the next few weeks he was treated for various gastrointestinal complaints and was advised to maintain a good state of hydration. His lithium level on 23 April 1990 was 1.15 mEq/L.

 - (c) The petitioner stopped taking his medication. He was absent without authority between 13 June and 07 July 1990. He later stated that his reason for leaving was "I had been off my medication and could not cope with stress."

- (d) After returning to his command he was evaluated by the Psychiatry Department on 13 August 1990. The final page of this evaluation including the diagnosis is not available. On the first page of the evaluation it is documented that "reported mood swings are not consistent with a dx of bipolar disorder, but appear more characterological." Also documented are "reported visual and auditory hallucinations under conditions of sensory deprivation."
- (e) The petitioner was discharged UNDER OTHER THAN HONORABLE CONDITIONS for the good of the service in lieu of trial by court-martial on 18 September 1990.
- (f) Following discharge the patient received diagnoses Bipolar I Disorder, Alcohol Dependence and Polysubstance Dependence while under treatment through the Veterans Administration.

3. The following opinions were submitted:

- (a) In your opinion, did the subject lack mental responsibility when he absented himself without authority on 13 June 1990? There is no available documentation to indicate that the subject lacked mental responsibility. He reported that he acted because he "could not cope with stress." This reason alone would not indicate a lack of capacity to make decisions or understand the consequences of those decisions. Furthermore, there is no evidence to support that the subject suffered from acute mania or a psychotic thought process on or before 13 June 1990.
- (b) Does the subject suffer from an affective disorder, which was incurred during his service in the Marine Corps? While the subject has been diagnosed with Bipolar I Disorder since discharge, it is unclear when he first developed symptoms that were consistent with this diagnosis. The report of perceptual disturbances under conditions of sensory deprivation would not support a diagnosis of Bipolar I Disorder in the absence of other findings. It appears that his symptoms did not meet criteria for Bipolar I Disorder on 13 August 1990; however, complete records from that evaluation are unavailable. A definitive opinion as to whether an affective disorder was incurred during the time of enlistment cannot be given based on the information provided.
- (c) If the petitioner's complete mental health evaluation from 13 August 1990 had been available, a more definitive opinion may have been possible.

4. This review was conducted by [REDACTED], MC, USNR under the supervision of [REDACTED] MC, USN.

[REDACTED]

LT MC USNR

[REDACTED]

LCDR MC USN