



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

TRG
Docket No: 4193-02
22 November 2002

[REDACTED]

[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 22 November 2002. 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.

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.

You enlisted in the Naval Reserve on 18 January 1995 at age 19 and reported for active duty on 7 February 1995. On 14 February 1995 you were diagnosed with early onset dysthymic disorder and were recommended for separation from the Navy.

Based on the foregoing diagnosis, you were processed for an administrative separation by reason of a condition that is not a physical disability but which interferes with the performance of duty. In connection with this processing, you elected to waive your procedural rights. Subsequently, the commanding officer directed an entry level separation and you were so separated on 3 March 1995. At that time, you had completed 26 days of active service.

You point out in your application that since you were discharged for medical reasons, you should have been issued an honorable discharge. You desire a correction to an honorable discharge because it will improve your chances of being employed by a police department.

Applicable regulations require an entry level separation in

almost all cases in which an individual is separated or processed for separation within the first 180 days of service. An exception to that rule allows for the issuance of an honorable discharge to individuals being discharged for a physical disability incurred while on active duty. Since you were separated for a condition that was not a physical disability, and existed prior to your entry into the Navy, this exception does not apply to you. The Board thus concluded that your separation was proper and no change is warranted.

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