



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

[REDACTED]
Docket No. 6641-16
OCT 09 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

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 for Correction of Naval Records, sitting in executive session, considered your application on 21 September 2017. 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.

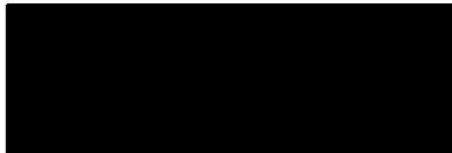
A review of your record shows that you entered active duty with the Navy in May 1968. Non-judicial punishment was imposed on you for disrespect toward a Petty Officer on 13 December 1968. Two additional non-judicial punishments were imposed on 21 August 1970 and 3 May 1971 for being absent from your appointed place of duty. On 18 May 1971, you were diagnosed with a passive-aggressive personality disorder and recommended for administrative separation. You were notified of administrative separation processing on 8 June 1971 and acknowledged your rights. A medical evaluation on 22 June 1971 cleared you for separation and you were discharged on 24 June 1971 with a General characterization of service for unsuitability. You provided evidence that you were diagnosed with Tourette's and Obsessive Compulsive Disorder (OCD) in 1992 and treated by the Department of Veterans Affairs for those conditions along with Depressive Disorder.

The Board carefully considered your arguments that you deserve a change to your narrative reason for separation to disability. You assert that you were suffering from Tourette's Disorder, OCD, and Attention Deficit Hyperactivity Disorder (ADHD) at the time of your discharge. Unfortunately, the Board disagreed with your rationale for relief. The Board was not convinced you were symptomatic in 1971 for the disability conditions diagnosed in 1992. While the Board

was able to discern possible correlations with your behavior while on active duty and symptoms of the disabilities you claim, ultimately the Board relied on the lack of any diagnosis for the claimed disabilities to determine that your claimed disability conditions were not symptomatic prior to your discharge. You were examined twice by medical providers, including a mental health expert, within two months of your discharge. Neither one were able to identify any symptoms related to your claimed disabilities. That being said, the Board was able to conclude that you were suffering from a personality disorder as diagnosed in May 1971. Your behavior, as described by your chain of command in detailed statements, supported the personality disorder diagnosis that formed the basis for your discharge. Therefore, the Board concluded the Navy appropriately discharged you for your personality disorder. Regarding your general characterization of service, the Board determined your service was appropriately characterized based on your three non-judicial punishments in approximately three years of service along with a 2.85 trait average during your enlistment. In the Board's opinion, the negative aspects of the three non-judicial punishments during your brief period of service along with your poor work performance outweighed the positive aspects of your service. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director