



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

[REDACTED]
Docket No: 6748-16

OCT 10 2017

[REDACTED]
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.

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 application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 July 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.

You enlisted in the Navy and began a period of active duty on 25 January 1993. You served without disciplinary incident. On 8 February 1994, you were the subject of a psychological evaluation due to a 10 day hospitalization for complaints of blurred vision and possible malingering. You were diagnosed with an antisocial personality disorder that existed prior to enlistment. You exhibited a quick temper, an aggressive self-image and enjoy disparaging and humiliating others. You stated in part that you hated your Leading Petty Officer (LPO) who slept in the rack directly above you and would dream of sticking a samurai sword through his mattress while he slept. Due to your severe personality disorder, you represented a continuing risk of harm to yourself and others if allowed to remain on active duty. You were notified of pending administrative discharge processing with a general discharge. You waived all of your procedural rights. On 14 February 1994, you received the general discharge. Additionally, character of service is based in part on conduct marks assigned on a periodic basis. Your conduct mark average was 2.7. A 3.0 conduct mark average was required for a fully honorable discharge.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The

Board carefully weighed all potentially mitigating factors, and your contention that you were told after 12 months of compliance your discharge could be changed from general to honorable. The Board concluded these factors were not sufficient to warrant relief in your case given your failure to attain the required average in conduct for a fully honorable discharge and your diagnosed personality disorder which was of a nature to disqualify you for further service. In regard to your contention, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. Accordingly, your application has been denied.

It is regretted that the circumstances of your reconsideration petition are such that favorable action cannot be taken again. 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 the absence of sufficient new and material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

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

Executive Director