



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

[REDACTED]
Docket No. 6878-16
MAR 27 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 2 March 2017. 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.

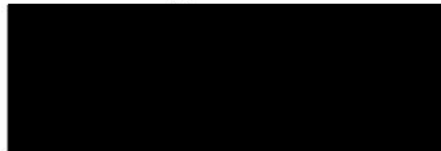
A review of your record shows that you entered active duty with the Navy on 8 September 1999. On 18 June 2001, you were recommended for administrative separation due to a diagnosis of personality disorder by Commanding Officer, Naval Legal Service Office Southwest. On 17 July 2001, your administrative separation was approved by the General Court-Martial Convening Authority. As a result, you were discharged on 17 September 2001 due to a personality disorder.

The Board carefully considered your arguments that you were improperly discharged based on an incorrect diagnosis. You assert your separation code is incorrect and you deserve an upgrade to your characterization of service. Unfortunately, the Board disagreed with your rationale for relief. First, the Board concluded your characterization of service was proper in light of your two performance evaluations that contained trait averages of 2.17 and 2.0. These scores qualify you for a General discharge which was the characterization of service issued to you upon your discharge. Second, the Board concluded that your narrative reason for separation was proper based on the personality disorder diagnosis issued to you. The Board determined you were offered the due process required under the service regulations and your case was approved by the separation authority. These facts led the Board to find that the basis for your separation and characterization of service were proper. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application. The names and votes of the members of the panel will be furnished upon request.

In regard to your request for a personal appearance, be advised that the Board regulations state personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of the record.

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