



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

[REDACTED]
Docket No. 7239-16

APR 08 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 9 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.

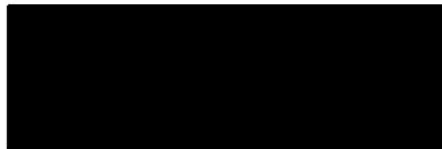
A review of your record shows that you entered active duty with the Navy in June 1987. On 10 June 1990, non-judicial punishment was imposed on you for unauthorized absence, failure to go to an appointed place of duty, and failure to pay a just debt. On 24 January 1991, non-judicial punishment was again imposed on you for wrongful use of marijuana. A third non-judicial punishment was imposed on you on 18 March 1991 for wrongful use of methamphetamines. That same day, you were diagnosed with a personality disorder and recommended for administrative separation. You were notified of administrative separation processing for commission of a serious offense on 19 March 1991 and discharged on 9 April 1991 after being medically cleared for separation.

The Board carefully considered your arguments that you deserve a disability discharge based on the 1991 personality disorder diagnosis and recommendation for administrative separation. Unfortunately, the Board disagreed with your rationale for relief. First, the Board determined there was no evidence to support a finding that you suffered from a qualifying disability at the time of your discharge to warrant referral to the Disability Evaluation System (DES). Personality disorder is not considered a qualifying disability under service regulations. Second, the Board concluded that even if a qualifying disability existed, you were not eligible for referral to the DES since you were processed for misconduct. Service regulations require misconduct

to the DES since you were processed for misconduct. Service regulations require misconduct processing to supersede disability processing. Third, the Board determined that you were properly processed for misconduct based on your two wrongful drug use offenses that qualified as serious offenses for administrative separation purposes. 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.

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 solid black rectangular box used to redact the signature of the Executive Director.

Executive Director