



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

[REDACTED]
Docket No. 7336-16

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 November 1968. On 18 March 1969, you were diagnosed with a passive aggressive personality but not recommended for separation. Non-judicial punishment was imposed on you for unauthorized absence and an orders violation on 15 May 1969. You were again diagnosed with a passive aggressive personality on 9 August 1969 but this time you were recommended for administrative separation. This resulted in your discharge on 23 September 1969 for unfitness with a General characterization of service.

The Board carefully considered your arguments that you deserve a disability discharge and upgrade to your characterization of service. You provided a personal statement outlining a history of back pain that you experienced while onboard [REDACTED]. Unfortunately, the Board disagreed with your rationale for relief. First, the Board was unable to find evidence to support your assertion that you were unfit for continued naval service due to a back condition. While your record shows you complained and were treated for back pain, a letter from your Commanding Officer dated 9 June 1969 and a letter from Bureau of Medicine and Surgery dated 23 June 1969 both determined you were fit for full duty despite your complaints. These two letters detailed your history onboard [REDACTED] and your medical treatment. They convinced the Board that your condition did not create a sufficient occupational impairment to

warrant a finding of unfitness for continued naval service prior to your discharge. Second, the Board determined that your current narrative reason for separation is supported by the record. You were diagnosed twice for the same personality disorder by two separate medical providers. This persuaded the Board that your diagnosis was correct and was appropriately used by the Navy to administratively separate you for unfitness. Finally, the Board was unable to find sufficient mitigation evidence to support your request to upgrade your characterization of service. Your discharge characterization was based on your 2.50 overall trait average which qualified you for a General characterization of service. Despite your lengthy narrative on how you were mistreated, the Board concluded that the totality of your record supports a General characterization of service. In particular, the Board considered that you served less than 12 months on active duty, were punished at non-judicial punishment, and behaved in a manner that required the command to refer you for two psychological evaluations that revealed you suffered from a passive aggressive personality. All these factors convinced the Board your assigned characterization of service is appropriate. 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 large black rectangular redaction box covering the signature of the Executive Director.

Executive Director