



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

[REDACTED]  
Docket No. 7628-16

JUN 16 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. Your case was reconsidered in accordance with procedures that conform to *Lipsman v. Secretary of the Army*, 335 F. Supp. 2d 48 (D.D.C. 2004). You were previously denied relief by this Board on 14 September 2006.

Although your application did not contain new and material evidence not previously considered, the Board found it in the interest of justice to reconsider your application. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 April 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.

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

You began your active duty service in the United States Navy on 28 May 1998. In September 2002, while attached to the [REDACTED], you were diagnosed with adjustment disorder with mixed anxiety and depressed mood and personality disorder, not otherwise specified (NOS), with narcissistic and borderline. Expeditious administrative separation was recommended on the basis of your personality disorder and severe adjustment disorder. On 18 March 2003, you were again diagnosed with dysthymic disorder and a personality disorder (NOS) with narcissistic and borderline traits. The reviewing doctor stated that he believed you were unsuitable for naval service due to the effects of your personality disorder and recommended administrative discharge. On 2 April 2003, you were discharged by reason of a personality disorder and given a General (under Honorable conditions) characterization of service. On 13 August 2003, the Department of Veterans Affairs (VA) assigned you a 10% disability rating. Per Navy regulation, disability ratings may only be assigned in cases where a service member has been found unfit to

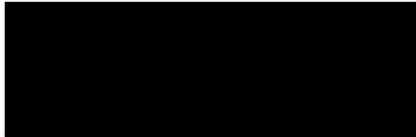
reasonably perform the duties of his or her office, grade, rank, or rating by reason of physical disability. Personality disorders do not qualify as a "disability" per the Navy disability rating guidance. The VA disability rating system operates on different guidelines than military departments, so receiving a disability rating from the VA does not change the Navy's determination that your personality disorder does not qualify as a disability. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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.

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,



Executive Director