



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

[REDACTED]  
Docket No. 5429-17  
DEC 15 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 U.S.C. §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 30 November 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.

A review of your record shows that you entered active duty with the Navy in January 1987. You were convicted by a Special Court-Martial for unauthorized absence ending in apprehension along with wrongful drug use on 9 December 1987. You were sentenced to a bad conduct discharge that was executed on 6 March 1989 at the conclusion of your appellate review.

The Board carefully considered your arguments that you deserve a disability discharge based on a diagnosis of schizophrenia. You assert that you are currently disabled due to the condition and were symptomatic while on active duty. Unfortunately, the Board disagreed with your rationale for relief. First, the Board was unable to find evidence that you were symptomatic for schizophrenia while on active duty. A 25 November 1987 pre-trial confinement physical noted that you showed no signs of mental illness or a personality disorder. Absent medical evidence that shows you were suffering from schizophrenia at the time of your separation from active duty, the Board felt it had insufficient evidence to find you were unfit for continued naval service due to a qualifying disability. Second, the Board also felt that the pre-trial confinement physical showed you were mentally competent and criminally responsible for the misconduct that led to your bad conduct discharge. Therefore, even if there was evidence of a qualifying disability, they determined that you were properly processed for misconduct vice a disability. Disability

regulations directed misconduct processing to supersede disability processing. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application.

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 issues 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 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,



Executive Director