



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

[REDACTED]  
Docket No. 5855-17  
DEC 26 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 14 December 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 on 30 September 1977. You were referred to the Naval Aptitude Board for somnambulism on 19 October 1977 and were recommended for administrative separation due to unsuitability. As a result, you were administratively separated on 21 October 1977 with an Honorable characterization of service due to unsuitability.

The Board carefully considered your arguments that you should have been processed through the disability evaluation system for your somnambulism. You assert that your condition was based on a mental disorder that made it a qualifying disability. Unfortunately, the Board disagreed with your rationale for relief. First, the Board concluded that somnambulism was not, and still is not, a qualifying disability under the disability manual. Second, the Board found no evidence that you suffered from a "mental or brain disorder," as asserted in your application, that formed the basis for your somnambulism. Third, notes from your aptitude board revealed that your somnambulism was a condition that existed prior to your entry into the Navy. This evidence convinced the Board that it should not qualify military disability benefits even if evidence exists that it was caused by an underlying mental disorder. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application.

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