



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

[REDACTED]
Docket No. 6523-17
FEB 25 2018

[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 1 February 2018. 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 October 1994. In June 1995, non-judicial punishment was imposed on you twice for four specifications of unauthorized absence, three orders violations, wrongful use of a controlled substance, and underage possession of alcohol. The following month, non-judicial punishment was again imposed on two occasions for six specifications of unauthorized absence, two specifications of willfully disobeying a lawful order from a commissioned officer, and willfully disobeying a lawful order from a warrant officer, noncommissioned officer, or petty officer. As a result of your misconduct, you were notified of administrative separation processing on 26 July 1995 and discharged on 12 September 1995 with an Other than Honorable (OTH) characterization of service due to misconduct.

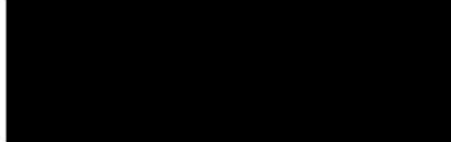
The Board carefully considered your arguments that you deserve a disability discharge due to an undiagnosed bipolar disorder that you assert existed while you were on active duty. Unfortunately, the Board lacked evidence to find relief in your case. You failed to provide any evidence with your application except a statement to your congresswoman in which you assert that your misconduct, and subsequent OTH, stems from a "mistake" you made when you were a kid. Based on the lack of evidence of a bipolar diagnosis and any nexus between your claimed

condition and your misconduct, 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 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 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