



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

[REDACTED]
Docket No. 6596-17
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 May 2007. You expressed suicidal ideations in August 2008 and reported a pre-service history of panic attacks. On 26 August 2008, you were diagnosed with an adjustment disorder before being sent to Naval Hospital [REDACTED] for further evaluation. On 8 September 2008, the Psychiatry Department of Naval Hospital [REDACTED] diagnosed you with a Psychotic Disorder that existed prior to your entry into the Navy. You were notified of administrative separation processing for erroneous enlistment and discharged on 24 October 2008 with an Honorable characterization of service.

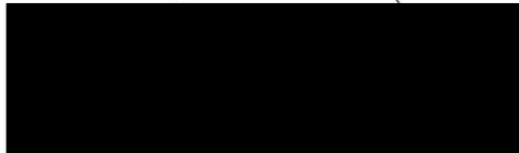
The Board carefully considered your arguments that you should have been processed for a disability and placed on the disability retirement list. You assert you were not mentally sound at the time of your discharge and incapable of providing accurate responses needed to diagnosed and treat your condition. You also assert your current medical provider opined that you should have been processed through the Disability Evaluation System. Unfortunately, the Board disagreed with your rationale for relief. The Board lacked any evidence to contradict the medical evidence used to support your administrative separation for erroneous enlistment. The medical report from 25 August 2008 provides specific information regarding the preservice source of

your mental health issues that was convincing to the Board. In addition, the Board found an additional medical opinion from 8 September 2008 that states your mental health condition existed prior to your enlistment into the Navy. This evidence, combined with the lack of evidence to dispute it, led the Board to conclude it was inappropriate to grant relief in your case. 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 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