



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

[REDACTED]
Docket No. 6710-17

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.

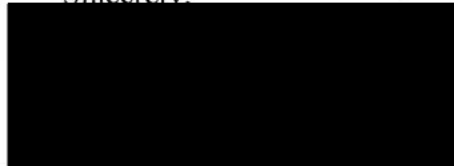
A review of your record shows that you entered active duty with the Navy in October 1995. You served honorably through 2007 when you were diagnosed with a personality disorder by Naval Medical Center [REDACTED] Department of Psychiatry. This resulted in your administrative separation for personality disorder on 5 October 2007.

The Board carefully considered your arguments that you deserve to be placed on the disability retirement list since you were improperly discharged for a disability. You also assert that the Department of Veterans Affairs has rated you at 100% based on a finding of Individual Unemployability. Unfortunately, the Board disagreed with your rationale for relief. The Board concluded you were not discharged for a disability and did not suffer from a compensable disability according to the service disability regulations. The Board relied upon SECNAVINST 1850.4 that specifically identifies personality disorders as a mental disorder that is considered a condition not constituting a physical disability. Based on the diagnosis you received in 2007, the Board determined that the Navy properly discharged you for a condition not a disability for your personality disorder since you did not qualify for a referral to the Disability Evaluation System. 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,



Executive Director