



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

[REDACTED]  
Docket No. 7056-17  
MAR 20 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 March 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.

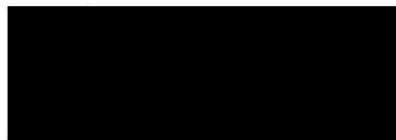
A review of your record shows that you entered active duty with the Navy in February 2013. Non-judicial punishment was imposed on you for a false official statement on 18 September 2015. A second non-judicial punishment was imposed on 23 June 2016 for an orders violation and false official statement. As a result of these two incidents of misconduct, you were administratively separated for pattern of misconduct on 5 August 2016 with a General characterization of service. Effective 6 August 2016, the Department of Veterans Affairs rated you for service connected adjustment disorder at 70%.

The Board carefully considered your arguments that you deserve an upgrade of your characterization of service, change to your narrative reason for separation to disability, and change to your reentry code. Unfortunately, the Board disagreed with your rationale for relief. First, the Board concluded you were ineligible for a disability discharge based on your adjustment disorder diagnosis. Department of Defense disability regulations specifically exclude adjustment disorders from the definition of a qualifying disability for the purpose of entitlement to disability benefits. Second, the Board did not find your diagnosis of an adjustment disorder persuasive evidence to support a change to your characterization of service since there was no evidence you were not mentally responsible for your actions that led to your discharge. The offenses you committed are all considered serious offenses under the MILPERSMAN since each

authorize a punitive discharge under the Uniform Code of Military Justice. The fact you committed three serious offenses in less than nine months of a relatively brief period of active service was sufficient evidence to the Board to support a finding that your military service was honest and faithful but significant negative aspects of your conduct outweighed positive aspects of your military record. The Board felt the characterization of service you received could reasonably be considered generous and likely took into consideration the adjustment difficulties that you were experiencing. Therefore, they concluded no injustice or error exists with your characterization of service. Third, based on their finding that your misconduct discharge and characterization of service was appropriate, the Board decided that your reentry code was appropriate due to the seriousness of your misconduct. 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