



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

SJN
Docket No: 1782-14
24 March 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 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 application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 March 2015. 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, your naval record, and applicable statutes, regulations, and policies.

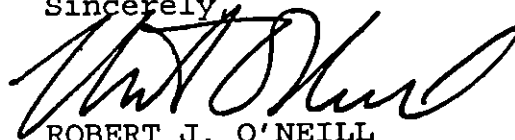
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 1 February 1994. On 18 August 1994, you received nonjudicial punishment (NJP) for unauthorized absence, and missing ship's movement. You received restriction, extra duty, and a forfeiture of pay. A medical entry states, in part, that you were not considered mentally ill, but manifested a long standing disorder of character and behavior which was of such severity as to render you unsuitable to serve. Although you were not considered suicidal or homicidal, you represented a continuing danger to yourself and others if retained on active duty. Subsequently, on 15 November 1994, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense and convenience of the government due to a diagnosed personality disorder. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge

board (ADB). Your case was forwarded to separation authority recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. The separation authority concurred and directed an OTH discharge by reason of misconduct. You were so discharged on 12 December 1994. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, desire to upgrade your discharge, and assertion that you suffered from Post Traumatic Stress Disorder (PTSD) and asthma, as a result of your service. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP for serious offenses. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. With regard to your assertions of suffering from PTSD and asthma, the Board noted that the severity of your misconduct outweighed the mitigations of your assertions. Additionally, there is no evidence in the record to support them, and you submitted no such evidence. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,



ROBERT J. O'NEILL
Executive Director