



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

TAL
Docket No: 6699-14
6 August 2015

Dear 5 U.S.C 552(b) (6):

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 10 July 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 2 January 1986. You served for a year and five months without disciplinary incident, but on 3 June 1987, you were convicted by special court-martial (SPCM) of forgery and wrongful use of cocaine. The sentence imposed was confinement at hard labor, a forfeiture of pay and reduction in paygrade.

Subsequently, you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 24 September 1987, the ADB found that you committed misconduct and recommended that you be separated with an OTH discharge. Your commanding officer concurred with the ADB and forwarded his recommendation to the separation authority. The

separation authority agreed with the recommendation of the ADB and directed your commanding officer to issue you an OTH discharge by reason of misconduct due to commission of a serious offense and on 7 December 1987, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion of suffering from a bipolar disorder and post-traumatic stress disorder (PTSD). Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct. Regarding your assertion of suffering from a bipolar disorder and PTSD, the Board considered whether these disorders were a causative factor in your misconduct. After full and careful consideration of the matter, the Board determined that there was insufficient evidence in the record to support a conclusion that a causal relationship with either the bipolar disorder or PTSD symptoms and your offenses exists. Specifically, the Board concluded that the forgery and wrongful drug use were not caused by either your bipolar disorder or PTSD, and that even if there was a nexus between them, the severity of the misconduct would substantially outweigh any mitigation created by these disorders. 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL
Executive Director