



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 3170-01  
19 February 2002



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 February 2002. 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. In addition, the Board considered the advisory opinion furnished by a designee of the Specialty Leader for Psychiatry dated 5 September 2001, a copy of which is attached, and your response thereto.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. It concluded that your service was appropriately characterized in 1979 with a bad conduct discharge, based on your conviction by special court-martial of being disrespectful to two superior non-commissioned officers and two specifications of assault, your prior nonjudicial punishment for a one day unauthorized absence, and prior conviction by special court martial for an unauthorized absence of more than 30 days duration. Your recent diagnosis of bipolar affective disorder, and your psychiatrist's opinion that your misconduct was related to and/or the product of that disorder was not considered sufficient to warrant the upgrading your discharge as a matter of clemency. In addition, the Board was not persuaded that you lacked mental responsibility when you committed the multiple acts of misconduct which resulted in your being separated from the Navy with a bad conduct discharge. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be

MEMORANDUM

Date: 05 SEP 01  
From: [REDACTED]  
To: Board for the Correction of Naval Records

Subj: APPLICATION FOR CORRECTION OF NAVAL RECORDS ICO EX-  
[REDACTED]

Ref: (a) Chairman, BCNR, ltr EBM, Docket # 3170-01, dtd 05 JUN 01

Encl: (1) BCNR File  
(2) Service Record (limited)  
(3) Medical Record (limited)  
(4) Civilian Psychiatric Record

1. Per your verbal request and in accordance with ref (a), I have reviewed enclosures (1) through (4).

2. Review of service record indicates a long period of difficulties, including AWOL, NJP's and it would appear time in the brig. He was subsequently given a bad conduct discharge.

3. Review of the medical record includes an evaluation by a psychiatrist. He concluded that [REDACTED] was suffering from a situational anxiety disorder.

4. There is one letter, dated 05 FEB 01, from a civilian psychiatrist indicating that a diagnosis of Bipolar Affective Disorder (BAD) had been diagnosed. He opined that this was likely present while the servicemember was on active duty.

5. Review of the BCNR record notes that the claimant is requesting an upgrade in discharge status to honorable/medical.

6. I am most struck by the lack of information that is in this chart. I agree with the civilian psychiatrist that in the 70's bipolar disorder was underdiagnosed. The vast majority of charts that I review with this diagnosis present evidence of a long psychiatric history following discharge. His foul language towards superiors, in and of itself, doesn't help me make a diagnosis of BAD. His going AWOL also doesn't help. It does paint a picture of someone who feels slighted by his "abilities" not being recognized. A statement made on 02 FEB 79 that he disrupted a retirement ceremony because it would help him "get out faster", if true, is somewhat damning.

In summary, I just don't have enough information to respond favorably to his request. If he has in fact been in treatment between 1979 and 2001, it would be very important for that information to be forwarded to the board so that this chart could be reviewed again.

Respectfully Submitted,

[REDACTED]

CDR MC USNR-R  
Staff Psychiatrist