



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

JRE
Docket No: 7911-98
26 August 1999

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 22 July 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 9 August 1989. You underwent a pre-separation physical examination on 11 August 1991, and were found physically qualified for service. Although you were noted to have a personality disorder, there is no indication that you suffered from a major mental disorder at that time. You were discharged by reason of misconduct on 18 September 1991, based on multiple violations of the Uniform Code of Military Justice, to include larceny, unauthorized absence, dereliction in the performance of your duties, offering violence to an officer, drunkenness, disobedience and disrespect.

The Board was not persuaded that you lacked mental responsibility at the times you committed the offenses which resulted in your discharge, or that you were unfit by reason of physical disability. In addition, it noted that a discharge by reason of misconduct takes precedence over and precludes disability evaluation processing, absent extraordinary circumstances. 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 taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter 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,

W. DEAN PFEIFFER
Executive Director