



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

TJR
Docket No: 8244-98
18 May 1999

[REDACTED]

Dear [REDACTED]

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 May 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 29 March 1989 at the age of 18. Your record reflects that on 17 April 1989, after undergoing a neuro-psychiatric evaluation (NPE), you were diagnosed with a mild to moderate adjustment disorder which was manifested by an anxious mood and difficulty adapting to training. A few months later, on 30 July 1989, you were taken to an emergency room because you had been found unconscious in a night club bathroom. The medical report noted, in part, that you had consumed about half of a bottle of alcohol, were verbally abusive and intoxicated, and used slurred speech. You were diagnosed with alcohol intoxication and probable alcoholism. On 5 September 1989 you were diagnosed with a severe borderline personality disorder which existed prior to enlistment (EPT) and alcohol abuse.

Your record further reflects that on 6 September 1989 you received nonjudicial punishment (NJP) for five incidents of absence from your appointed place of duty, failure to go to your appointed place of duty, two days of unauthorized absence, disrespect, failure to obey a lawful order, resisting arrest, and

assault. The punishment imposed was forfeitures totalling \$349 and restriction and extra duty for 45 days. On 8 September 1989, after undergoing another NPE, you were again diagnosed with a severe personality disorder and warned that if a pattern of misconduct continued your command could proceed with an administrative separation. The report noted, in part, as follows:

....went to captain's mast.... now is having difficulty adjusting to restricted status, with verbal abuse and disrespect to petty officers and peers, and acting passive aggressive and childish.... admits to problems with authority figures/EPTE.... is an episodic heavy drinker.... admits to several blackouts/EPTE.... Dx1) borderline personality disorder, severe/EPTE.... is responsible for her actions.... is likely to continue her maladaptive angry acting out behavior.... if a pattern of misconduct continues command should document same and proceed with administrative separation.

Your record also reflects that you then were notified of pending administrative separation action by reason of entry level performance and conduct, and misconduct as evidenced by minor disciplinary infractions. After consulting with legal counsel you objected to the separation. However, on 18 September 1989, your commanding officer recommended you be issued an entry level separation by reason of entry level performance and conduct and misconduct. Shortly thereafter, on 29 September 1989, you were referred for a psychiatric evaluation because you were deemed a suicide risk after a counselor screened a letter in which you made reference to suicide. The psychiatric report noted, in part, that you had a history of suicide attempts from the age of 17. At this time you were also strongly recommended for an administrative separation.

Subsequently, on 1 October 1989 the discharge authority directed your commanding officer to reprocess you for separation by reason of misconduct due to commission of a serious offense. On 2 October 1989 you were convicted by special court-martial (SPCM) of two incidents of failure to go to your appointed place of duty, six incidents of disrespects, and assault. You were sentenced to confinement at hard labor for two months, forfeitures totalling \$900, and a bad conduct discharge (BCD). A portion of the forfeitures was suspended for six months. On 15 October 1989 your legal counsel, in an application for clemency, requested that the BCD be suspended for 12 months and that you be restored to duty. However, on 27 February 1990, the foregoing request was denied. Subsequently, the sentence of the SPCM was reviewed and approved and the BCD was ordered executed. On 3 October 1990 you received the BCD. and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and your contention that you would like your discharge upgraded and changes in the narrative reason for separation and reenlistment code because your ability to serve was impaired due to your drinking problems. The Board further considered your educational accomplishments, post service conduct, letters of character reference, the diagnosed personality disorder, and the letter in support of your case from the Veterans of Foreign Wars. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change in the narrative reason for separation or reenlistment code given the seriousness of your frequent misconduct within such a short timeframe. Further, the Board noted that even though you had been warned of an administrative separation, your misconduct continued. Given all the circumstances of your case, the Board concluded that your discharge, narrative reason for separation, and reenlistment code were proper and no change is warranted. 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