



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

TRG
Docket No: 1680-01
3 April 2002

[REDACTED]

[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 2 April 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.

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.

You reenlisted in the Navy on 13 November 1992 after more than four years of active service on a prior enlistment. On 17 September 1993 you received nonjudicial punishment for disobedience of an order to remain with an authorized escort and failure to wear the uniform of the day. The punishment imposed was a reduction in rate from AT3 (E-4) to ATAN (E-3).

Documentation in the record indicates that you were the subject of a psychiatric evaluation and diagnosed with a personality disorder. However, the psychiatric evaluation is not contained in your personnel or medical records. Based on the diagnosed personality disorder, you were processed for an administrative discharge. However, the discharge documentation, which would include the psychiatric evaluation, is not filed in the service record. The report of your separation physical examination states that you were diagnosed with a paranoid personality disorder and refers to the psychiatric evaluation. The enlisted performance record (page 9) indicates that for the period from 1

July to 6 October 1993, you were assigned an adverse mark of 2.8 in personal behavior and a marginal mark of 3.0 in reliability. You were honorably discharged by reason of a diagnosed personality disorder on 6 October 1993. At that time, you acknowledged that you were not eligible for reenlistment.

You state that your wife was having an affair and complained to her command that she was afraid that you were dangerous and feared for her life. Apparently because of this complaint, you were restricted and placed in a liberty risk category which required an escort when you left the ship. You also state that you only accepted the discharge so that you could get off the ship. You are requesting a change in the reason for your discharge and restoration to AT3 because the punishment was too severe given your previous good record and the nature of the offenses.

Regulations allow for the destruction of the nonjudicial punishment evidence after a period of two years. Therefore, the Board is unaware if you were counseled or warned prior to the offenses. Documentation you submitted shows that a senior chief recommended that the charge of being out of uniform be dropped, but he apparently felt that the charge of leaving your escort was appropriate. In the absence of any evidence, the Board could only conclude that the commanding officer did not abuse his discretion when he imposed a reduction in rate on 17 September 1993.

There is no evidence in the record, and you have submitted none, showing that you were improperly discharged due to the diagnosed personality disorder. The Board concluded that you were properly discharged and a change in the reason for your discharge is not 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

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The Disabled American Veterans