



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

JRE
Docket No: 8662-00
29 October 2001

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 4 October 2001. 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 served on active duty from 1 September 1978 to 7 November 1980, when you were discharged under honorable conditions by reason of misconduct/frequent involvement of a discreditable nature with military authorities. You had received non-judicial punishment on three occasions, and you were convicted by a summary court-martial. You were diagnosed as suffering from a personality disorder, a condition which is not classified as a physical disability, and did not render you mentally incompetent or excuse your misconduct. The recent determination by the Department of Veterans Affairs (VA) that you suffer from a mental disorder that began during your naval service was of no probative value to the Board. The reasoning upon which the VA based its decision is of questionable validity, and it does not establish that you were unfit by reason of physical disability at the time of your discharge. In this regard, the Board noted further that even if you had been unfit for duty at that time, you would not have been eligible for disability evaluation processing, because a discharge for misconduct takes precedence over such processing. 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