



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

JRE
Docket No: 6072-01
6 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 31 January 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.

The Board found that you underwent a mental health evaluation on 1 October 2000. You were given diagnoses of adjustment disorder with depressed mood, alcohol abuse, personality disorder, not otherwise specified, and possible sleep apnea. The psychiatrist found you fit for duty, and not qualified for a medical evaluation board or medical disability. He recommended that you be separated administratively because of your longstanding personality disorder. You were processed for discharge by reason of the personality disorder, as well as misconduct-commission of a serious offense, for sleeping on post, for which you received nonjudicial punishment on 14 September 2000. The discharge authority approved your separation for the latter reason, and directed that your service be characterized as honorable. You were honorably discharged by reason of misconduct on 27 November 2000.

The Board was not persuaded that you were unfit by reason of physical disability at the time of your discharge. In addition, it noted that you would not have been eligible for disability processing in any case, because you were pending discharge by reason of misconduct, which takes precedence over disability processing. In the absence of evidence of error or injustice

in connection with your discharge, the Board was unable to recommend any corrective action in your case. 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