



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

ELP
Docket No. 6118-01
18 January 2002

[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 Navy Records, sitting in executive session, considered your application on 16 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 enlisted in the Naval Reserve on 27 September 1983 for six years at age 20. You were ordered to active duty on 5 October 1986 for a period of three years in the Active Mariner Program. The record reflects that you were advanced to SN (E-3) and served without incident until 4 June 1987, when you were admitted to a naval hospital for suicidal ideation. On 15 June 1987 you were released from treatment and returned to full duty with a diagnosis of borderline personality disorder with dependent features.

On 17 June 1987 you received nonjudicial punishment (NJP) for disobedience of an officer and four unspecified periods of unauthorized absence (UA). The following day, you requested permission to go to the psychiatric clinic because you felt that you could not take care of your financial responsibilities and

your wife threatened to leave you. The foregoing diagnosis remained unchanged and administrative separation was recommended.

On 10 July 1987 you were admitted again for suicidal and homicidal ideations. You complained of dissatisfaction with the ship and harassment by your supervisors. The examining psychiatrist opined that you were neither suicidal/homicidal nor psychotic and were fully responsible for your actions. You were returned to duty with the same recommendation for separation that was previously discussed with your command.

You were reported UA on 3 October 1987 and remained absent until you were apprehended and returned to the ship on 14 April 1988. It appears that on 31 May 1988 you were reduced in rate to SR (E-1) by special court-martial, which indicates that you were convicted of the foregoing UA.

On 16 June 1988 you were notified that discharge action was being initiated by reason of misconduct due to minor disciplinary infractions and commission of a serious offense. You were advised of your procedural rights and told that if separation was approved, the characterization of service would be a general discharge. Thereafter, you waived your rights and did not object to the discharge. On 29 June 1988 you were separated with a general discharge by reason of misconduct due to a pattern of misconduct.

On 14 July 1988 the commanding officer advised the Commander, Naval Military Personnel Command that you had been discharged due to your demonstrated lack of reliability and unwillingness to comply with both Navy regulations and the Uniform Code of Military Justice as shown by an NJP and a special court-martial conviction.

Regulations require the assignment of an RE-4 reenlistment code to individuals discharged by reason of misconduct. Since you were treated no differently than others separated under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board concluded that the reenlistment code was proper and no change is warranted.

The Board did not consider changing the characterization of your discharge since you have not exhausted your administrative remedies by first petitioning the Naval Discharge Review Board. That board is authorized to change both the reason for discharge and the characterization of service. However, it cannot change a reenlistment code. Enclosed is a DD Form 293 used for applying to that board.

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

Enclosure