



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

TRG  
Docket No: 8587-06  
21 February 2008

[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 12 February 2008. 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 enlisted in the Navy on 26 September 1988 at age 19. Subsequently, you completed initial training and reported to your first duty station. On 26 July 1989, you received nonjudicial punishment for refusing to qualify in submarines. On 12 September 1989, you were diagnosed with a personality disorder, mixed type with paranoid and aggressive features. You were also diagnosed with probable early alcohol dependence. The psychiatrist concluded his evaluation as follows:

...does not appear to be an imminent risk to self or others. It is likely predictable, however, if he were to return to operational duties he would escalate his acting out behavior; including posing a risk to self and others. It is highly recommended that he be considered for expeditious administrative separation at the command's discretion.

On 25 September 1989 you were counseled and warned concerning your unreliability and lack of maturity. On 15 December 1989 you were convicted by a summary court-martial of an unauthorized absence of about three days, missing ship's movement and destruction of government property. The court-martial sentence included forfeitures of pay and 30 days confinement.

Subsequently, you were processed for an administrative discharge by reason of misconduct due to commission of a serious offense and convenience of the government due to your diagnosed severe personality disorder. You were informed that the discharge could be characterized as being under other than honorable conditions. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. After review, the discharge authority directed discharge under other than honorable conditions by reason of misconduct and you were so discharged on 6 February 1990.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as the diagnosed personality disorder and your contention that the command made an error when they did not follow the recommendation for discharge made by the psychiatrist. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct. Concerning the psychiatric evaluation, it is clear that you were considered to be responsible for your actions and the decision for discharge was left to command discretion. Further, you waived your right to contest the discharge processing and accepted the possibility of a discharge under other than honorable conditions. The Board concluded that the discharge was proper as issued 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