



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

CRS
Docket No: 7322-07
30 September 2008

[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 10 September 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.

The Board found that you enlisted in the Navy on 15 September 1998. A psychologist who evaluated you on 24 September 2003 diagnosed you with an adjustment disorder with mixed disturbance of conduct, and paranoid personality traits. On 10 October 2003 a follow-up evaluation confirmed those diagnoses. On 17 October 2003 you received nonjudicial punishment for absence from appointed place of duty, insubordination, and failure to obey a lawful order.

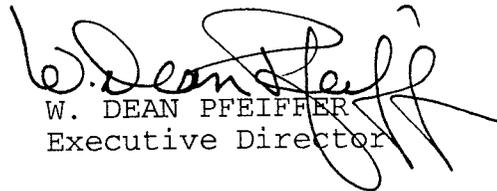
On 21 October 2003 your commanding officer recommended that you be separated from the Navy with a general discharge for the convenience of the government by reason of a condition not a disability. When informed of this recommendation, you elected not to submit a statement in your behalf. Subsequently, you were absent without authority from 24 October to 14 November 2003. After review by the discharge authority, the recommendation for separation was approved and on 18 November 2003 you were separated with a general discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, post service good conduct, and the contention that you suffered from

posttraumatic stress disorder. The Board found those factors insufficient to warrant recharacterization of your discharge or a change in the reason for discharge. In addition, you have not demonstrated that you were discharged in error, or that your medical records contain any improper or erroneous entries. 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