



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

TJR
Docket No: 7599-07
25 June 2008

[REDACTED]

[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 Naval Records, sitting in executive session, considered your application on 24 June 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 17 May 1965 at age 18. You served without disciplinary incident until 4 January 1966, when you were convicted by civil authorities of assault and sentenced to probation for six months. On 21 January 1966 you received nonjudicial punishment (NJP) for an 85 day period of unauthorized absence (UA). Shortly thereafter, on 20 April 1966, you received NJP for wrongful use of habit forming drugs. The punishment imposed was a \$30 forfeiture of pay and restriction and extra duty for 30 days.

On 24 February 1967 you received NJP for absence from your appointed place of duty and wearing civilian clothing. The punishment imposed was restriction and extra duty for seven days. On 3 March 1967 you were diagnosed with a longstanding personality disorder. At that time the psychiatrist stated that you knew 'right from wrong' but recommended that consideration be given for an administrative separation. Nonetheless, your

misconduct continued and on 30 March 1967, you were again convicted by civil authorities of assault. You were sentenced confinement for 180 days, however, 150 days were suspended for three years.

On 26 April 1967 you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. At that time you waived your right to consult with legal counsel and to have a field board review your case. On 30 April 1967 you received your fourth NJP for two periods of UA totalling 35 days and missing the movement of your ship. The punishment imposed was reduction to paygrade E-2 and restriction for 30 days.

Subsequently, your commanding officer recommended an undesirable discharge by reason of unfitness. On 31 May 1967 the discharge authority approved this recommendation and directed an undesirable discharge, and on 17 July 1967, you were so discharged.

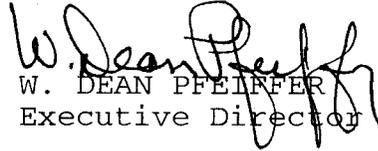
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that you were to receive a medical discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, which resulted in four NJPs, two convictions by civil authorities, and included drug abuse. Finally, applicable directives state that even if a Sailor is recommended for separation for medical reasons, such as a personality disorder, if the Sailor meets the requirement of another reason for separation, such as unfitness or misconduct, the Sailor will be separated for the latter reason. 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