



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

JRE
Docket No. 08210-07
14 August 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 14 August 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 17 March 1993. Prior to the commission of the offenses which resulted in your bad conduct discharge, you received nonjudicial punishment on one occasion, and were convicted by a special court-martial. Your offenses included unauthorized absences, larceny, fraud, and making a false official statement. You underwent a pre-separation physical examination on 19 May 1995 and were found

physically qualified for separation. You were tried by special court-martial on 21 June 2005, and convicted of multiple absence offenses, to include an absence without authority from 21 December 2004 to 24 April 1995. You were sentenced to confinement at hard labor, forfeiture of pay, reduction to pay grade E-1, and a bad conduct discharge. On 6 October 1996, while on appellate leave, you were admitted to a naval medical center for evaluation of the suicidal and homicidal ideation you had disclosed while receiving alcohol rehabilitation services at a Navy alcohol rehabilitation center (ARC). You were given diagnoses of alcohol dependence and opiate abuse by history, and released to the ARC on 14 October 1996. You were separated from the Navy with a bad conduct discharge on 31 January 1997.

On 1 July 1999, a civilian mental health care provider gave you diagnoses of: rule-out (R/O) malingering; R/O factitious psychiatric disorder; R/O bipolar disorder; alcohol abuse in alleged remission; R/O alcohol dependence; and, personality disorder not otherwise specified, with antisocial aspects.

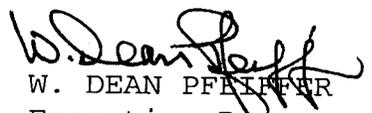
The Board did not accept your unsubstantiated contentions to the effect that you were suffering from bipolar affective disorder while serving in the Navy, and that the effects of that disorder caused or contributed to your commission of the offenses which resulted in your bad conduct discharge. The Board concluded that you failed to demonstrate that you lacked mental responsibility for your actions, or that you were unfit for further service by reason of physical disability. The Board noted that you would not have been entitled to disability separation or retirement even if you had been unfit for duty, as your bad conduct discharge would have taken precedence over disability evaluation processing.

In view of the foregoing, 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