



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

TJR  
Docket No: 11124-07  
14 November 2008

[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 13 November 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 22 July 1987 at age 17. About a year and five months later, during the period from 8 to 20 December 1988, you were referred for a psychiatric evaluation because of your suicidal ideation and complaint of feeling pain for nearly six months. You reported a history of physical violence, impoverished social relations, multiple fights and trauancies, impulsive and nonlethal self-harm, cruelty to animals, chronic unhappiness, and suicidal ideation. You were diagnosed with a personality disorder with antisocial borderline and avoidant traits and recommended for an expeditious administrative separation. On 28 December 1988 you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA) and missing the movement of your ship.

On 9 January 1989 you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. At that time you waived your right to consult

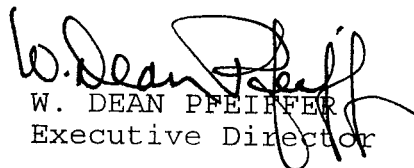
with legal counsel and to present your case to an administrative discharge board (ADB). However, your commanding officer was directed to reprocess you for separation because there was an error in the original processing procedures. Accordingly, on 27 February 1989, you were again notified of pending administrative separation by reason of misconduct due to commission of a serious offense, and again you waived your right to consult with legal counsel and to present your case to an ADB. On 3 March 1989 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 24 March 1989 the discharge authority approved this recommendation and directed discharge under other than honorable conditions. However, on 5 April 1989 you were issued a general discharge by reason of other physical/mental condition due to personality disorder and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct and diagnosed personality disorder. Finally, the Board noted that you were erroneously issued a general discharge when in all actuality you were processed for discharge under other than honorable conditions. As such, you were fortunate to have received a general discharge certificate. 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