



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

TJR  
Docket No: 687-08  
1 December 2008



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 25 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 8 April 1987 at age 18 and served for nearly a year without incident. Nonetheless, 6 June 1985 you attempted suicide by jumping off your ship. During the period from 23 July to 6 August 1985 you were in an unauthorized absence (UA) status for 14 days. However, the record does not reflect the disciplinary action taken, if any, for this misconduct. On 10 August 1985 you were referred for a psychiatric evaluation due to another suicidal attempt in which you ingested an overdose of aspirin. At that time you stated, in part, that you wanted out of the Navy and would kill yourself or go UA if you were returned to duty. You were diagnosed with an adjustment disorder with mixed disturbance of emotions and conduct, episodic alcohol abuse, and a mixed personality disorder with borderline, antisocial, and histrionic features. As a result of the foregoing, during the period from 10 to 13 September 1985, you were hospitalized for observation. During this period you violated a hospital pass, were arrested by civil authorities, and suffered an eye injury during a fight with civilian police.

On 7 October 1985 you were convicted by civil authorities of battery on a police officer, driving under the influence, driving with a suspended license, and reckless driving. You pled no contest to the battery charge and were sentenced to pay \$84.50 in court cost and receive supervised probation for three months. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense, conviction by civil authorities, and a diagnosed personality disorder. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 1 November 1985 your commanding officer recommended an other than honorable discharge by reason of misconduct due to commission of a serious offense. On 10 November 1985 the discharge authority approved this recommendation, and on 19 November 1985, 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 your discharge was unjust because you were never convicted by a court-martial. It further considered your assertion that you were deceived by a recruiter. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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