



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

SMS  
Docket No: 2610-08  
20 November 2008



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 19 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

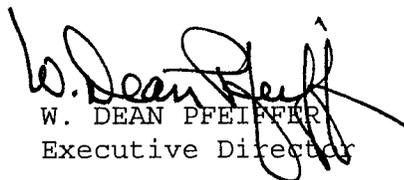
On 20 June 1989, you enlisted in the Navy at age 17 with parental consent and served without a disciplinary infraction until 2 July 1992, when you were convicted by a general court-martial for assault. During the period 16 September to 26 October 1992, you were in an unauthorized absence (UA) status on two occasions totaling about 37 days. On 3 November 1992, a psychiatric evaluation diagnosed you as having a personality disorder not otherwise specified with poor impulse control, low frustration and tolerance levels, distrust of others, and avoidant features, and concluded by recommending discharge. On 4 November 1992, you had nonjudicial punishment (NJP) for the two periods of UA totaling 37 days.

On 4 November 1992, your commanding officer initiated administrative separation by reason of misconduct due to commission of a serious offense and convenience of the government due to a personality disorder. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 8 December 1992, the Secretary of the Navy approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to commission of a serious offense. On 31 December 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contention that your ability to serve was impaired by your deprived background and psychiatric problems. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your reason for separation, reenlistment code or recharacterization of your discharge due to the seriousness of your misconduct. Regarding your contention, the Board considered your psychiatric evaluation and diagnosis that you received on 3 November 1992, but found that you served for about three years without incident and believed that your psychiatric diagnosis did not outweigh the seriousness of your offense. The Board also noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, the Board concluded that the discharge was proper as issued and no changes are warranted. 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