



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

CRS
Docket No: 6211-08
26 August 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 13 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 30 January 1997. On 30 June 1998 you underwent a psychological evaluation and were given a diagnosis of a personality disorder, not otherwise specified, with narcissistic and immature features. On 8 July 1998 you accepted the finding of a physical evaluation board (PEB) that you were fit for duty notwithstanding your chronic back pain. You received nonjudicial punishment on 16 July 1998 for two instances of disrespect to petty officers, grabbing the throat and striking the face of a petty officer, and communicating a threat to "choke the shit" out of, snap the neck of, and kill the petty officer whom you assaulted.

On 16 July 1998 your commanding officer recommended that you be separated from the Navy with a general discharge by reason of misconduct due to the commission of a serious offense. When informed of this recommendation, you elected to waive the right to submit a statement in response to the recommendation for discharge. After review by the discharge authority, the recommendation for separation was approved and on 28 July 1998 you received a general discharge.

The Board carefully considered your contentions to the effect

that you were to receive a medical discharge, and that you were unfairly targeted because of your "status while awaiting a medical discharge", but found them insufficient to warrant upgrading your discharge or changing its basis. As noted above, you were found fit for duty by the PEB, and were not awaiting a medical separation. In addition, there is no credible evidence that you were unfairly targeted because of your medical status. The Board concluded that you were fortunate to have received a general discharge, given the serious nature of your misconduct. 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