



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

SJN
Docket No: 06892-08
21 May 2009

[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 13 May 2009. 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 and began a period of active duty on 4 February 1982 at age 17. On 31 August 1982, you were diagnosed with having an immature personality disorder after an attempted suicide gesture in which you cut your wrist. The report stated, in part, that it found no psychiatric illness and that you were responsible for your actions. Further, it stated that any further antisocial or self injurious behavior was to be viewed as a manipulative effort to avoid work or duty, and not the result of psychiatric illness.

On 21 September and 10 November 1982, you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totaling 13 days and three instances of disobedience. On 9 February 1983, you were convicted by summary court-martial (SCM) of four days of UA and six specifications of disobedience. You were sentenced to confinement at hard labor and a forfeiture of pay.

On 9 March 1983, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After being advised of your procedural rights, you waived the right to an administrative discharge board (ADB). The discharge authority then directed discharge under other than honorable conditions by reason of misconduct. You were so discharged on 15 April 1983.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge because of the two NJP's and conviction by SCM. The Board also noted that you waived an ADB, your best chance for retention or a better characterization of service. 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