



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

SJN
Docket No: 11876-08
29 October 2009

[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 27 October 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 14 March 1988 at age 18. You served for about two years until 17 March 1990, when you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totaling 24 days, and missing movement.

On 9 July 1990, you were the subject of a psychiatric evaluation after making a statement that you would kill yourself if you had to go back to work on the ship. At the time, you were pending your second NJP. You were diagnosed with a personality disorder (passive/aggressive) manifested by pervasive anger and malingering. The report further found you fully accountable for your actions. On 19 July 1990, you received a second NJP for 32 days of UA and missing movement. You received restriction, extra duties, a reduction in paygrade, and a letter of reprimand.

On 18 July 1990, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative board (ADB).

On 20 July 1990, your commanding officer recommended discharge by reason of misconduct, with a characterization of service of under other than honorable conditions. He stated, in part, that you were given an opportunity to conform your behavior to the required standards. You were discharged under other than honorable conditions on 30 July 1990.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and current medical problems. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's for very serious offenses. The Board found that you waived your right to an ADB, your best opportunity 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