



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

SJN
Docket No: 00965-09
20 November 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 17 November 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 October 1986 at age 19. Based on the information currently contained in your record it appears that on 17 February 1988, you were convicted by special court-martial (SPCM) of 119 days of unauthorized absence (UA). On 5 May 1988, you were the subject of a psychiatric evaluation that diagnosed you with a personality disorder that existed prior to your entry into the service. The report further stated, in part, that although you were not considered suicidal or homicidal at that time, you shared a number of personality features (violent temper, impulsivity, magical thinking, schizotypal beliefs, poor judgment, and inadequate resources for coping with stress) in common with those who were self-destructive or a danger to others.

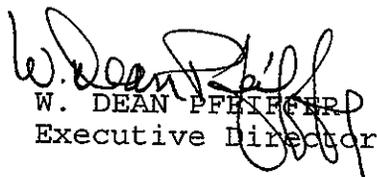
On 25 May 1988, you received nonjudicial punishment (NJP) for assault. You received a forfeiture of pay, restriction, and extra duties. On 25 May 1988, you were notified of pending administrative separation action by reason of convenience of the government due to the diagnosed personality disorder. You elected to waive your rights to consult counsel, or submit a

statement. Your commanding officer forwarded your case recommending a general discharge to the separation authority. However, the separation authority directed an other than honorable discharge. You were so discharged on 7 July 1988. On 6 December 1990, the Naval Discharge Review Board upgraded your characterization of service to general under honorable conditions.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and belief that you did not have a personality disorder at that time. Nevertheless, the Board found that these factors were not sufficient to change the reason for your discharge given your SPCM conviction for a period of UA that lasted over three months, the diagnosed personality disorder that stated, in part, that you were a danger to others, and NJP for assault. 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