



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

TJR  
Docket No: 1702-09  
15 December 2009

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 8 December 2009. The names and votes of the members of the panel will be furnished upon request. 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 on 15 June 1989 at age 19 and began a period of active duty on 28 June 1989. You served without disciplinary incident until 9 July 1990, when you received nonjudicial punishment (NJP) for dereliction of duty and making a false official statement. On 31 August 1990 you received NJP for dereliction of duty and communicating a threat.

On 4 September 1990 you were referred for a psychiatric evaluation after communicating a threat to cut a shipmate with a knife. Subsequently, you were diagnosed with a severe borderline personality disorder with severe antisocial traits. The psychiatric report stated, in part, that your disorder was so severe as to render you unable to fulfill your duties, and you were recommended for an administrative separation. As a result of this action, on 5 September 1990, you were notified of pending administrative separation action by reason of misconduct due to a commission of a serious offense. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 9 September 1990

your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 18 September 1990 the discharge authority approved this recommendation. However, on 23 September 1990, you began a 275 day period of unauthorized absence (UA) that was not terminated until 25 June 1991. Further, the record does not reflect the disciplinary action taken, if any, for this period of UA. Subsequently, the discharge authority directed separation under other than honorable conditions by reason of misconduct and on 8 August 1991 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that you were not aware of the impact of an other than honorable discharge. It also considered your desire to upgrade your discharge and change your narrative reason for separation and reenlistment code so that you may once again serve your country. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation or reenlistment code because of the seriousness of your repetitive misconduct which resulted in two NJPs, and your lengthy period of UA. Further, you were given an opportunity to defend your actions, but waived your procedural right to present your case to an ADB. Accordingly, your application has been denied.

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