



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

TJR
Docket No: 2315-09
17 February 2010

[REDACTED]

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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 17 February 2010. 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 18 January 1991 at age 18 and served without disciplinary incident until 28 December 1992, when you began a five day period of unauthorized absence (UA) that was not terminated until 2 January 1993. During the period from 12 March to 12 May 1993 you were again in a UA status for 61 days and declared a deserter.

On 13 May 1993 you were referred for a psychiatric evaluation because of your suicidal ideation and self-injurious behavior. You were diagnosed with adjustment and personality disorders. The record states that your personality disorder was of such severity as to present a continuing risk to yourself and others.

On 25 May 1993 you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense as evidenced by the two periods of UA totalling 66 days. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 7 June 1993 your commanding officer

recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 14 June 1993 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to commission of a serious offense, and on 16 June 1993, 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 desire to upgrade your discharge. It also considered your assertion that you requested a hardship discharge due to financial and family problems. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct, specifically, the lengthy period of UA from the Navy. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Finally, there is no evidence in the record, and you submitted none, to support your assertion that you requested a hardship discharge. 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