



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

SJN
Docket No: 02500-09
13 January 2010



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 12 January 2010. 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 April 1971 at age 19. On 29 November 1971, you were convicted by summary court-martial (SCM) of 19 days of unauthorized absence (UA). On 17 July 1972, you submitted a request for exemption under a Navy drug program. It was later determined that you were drug dependent, and recommended that you be enrolled in a drug rehabilitation center. On 19 July 1972, you were the subject of a psychiatric evaluation, which diagnosed you with an emotionally unstable personality and drug abuse. Additionally, the report stated that you had a poor attitude toward authority, used drugs, had inadequate motivation for continued service, and continued to have an inability to cope with the stress of military life. It was recommended that you be separated from the service following drug rehabilitation. On 15 August 1972, you were convicted by a second SCM of 24 days of UA. On 15 August 1972, you were notified of pending administrative separation action by reason of convenience of the government due to the diagnosed personality disorder. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf.

On 21 August 1972, your commanding officer forwarded your case recommending separation due to unsuitability. On 5 September 1972, the separation authority directed separation by reason of unsuitability with a general discharge. You were so discharged on 8 September 1972 based on your conduct and proficiency marks.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.7. At the time of your service, a conduct average of 3.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and character letters. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization of service given your two SCM convictions, diagnosed personality disorder and defective attitude. 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