



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

SJN  
Docket No: 04140-09  
11 March 2010

[REDACTED]

[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 9 March 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 12 October 1989 at age 19. On 9 November 1991, you received nonjudicial punishments (NJP) for three periods of unauthorized absence (UA) totaling six days. On 3 June 1992, you were convicted by summary court-martial (SCM) of 30 days of UA. On 4 June 1992, you were diagnosed with a severe personality disorder. The report further stated that you had used drugs and abused alcohol, and had a history of suicidal/homicidal thoughts. On 29 June 1992, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and for being diagnosed with a personality disorder. You elected to waive your rights to consult counsel, submit a statement, and you did not object to the administrative discharge action. On 30 June 1992, your commanding officer forwarded your case recommending discharge and that your characterization of service be based on your overall record. On 29 July and 28 August 1992, you received NJP for insubordinate conduct and seven days of UA. On 31 August 1992, the discharge authority directed that you be separated with a general discharge based on your conduct and proficiency marks. You were so discharged on 11 September 1992.

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 and period of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's, conviction by SCM, diagnosed personality disorder, history of suicidal gestures, and your failure to attain the conduct average required for an honorable discharge. 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