



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

TAL
Docket No: 4213-09
8 March 2010

[REDACTED]

[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 24 February 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.

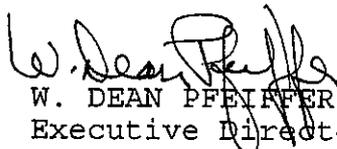
You enlisted in the Navy and began a period of active duty on 4 November 1975 at age 18. On 18 February 1976, you received nonjudicial punishment (NJP) for two instances of unauthorized absence (UA) from your unit and two instances of failure to obey a lawful order. At that time you were counseled and warned that further misconduct could result in administrative discharge action. On 31 March 1976, you received NJP for two instances of assault and two instances of UA from your appointed place of duty. On 1 April 1976, you were the subject of a psychiatric evaluation that diagnosed you with a passive aggressive personality disorder and recommended at the command's discretion, that you be administratively discharged. On 16 April 1976, administrative discharge action was initiated by reason of character and behavior disorders. You waived your rights to consult counsel, and have your case heard by an administrative discharge board (ADB). You did, however, elect to submit a written statement in which you stated in part, that you did not desire to remain on active duty in the Navy. On 22 April 1976, your commanding officer forwarded his recommendation that you be discharged due to character and behavior disorders. On 10 May 1976, the separation authority directed a general discharge for

the convenience of the government. On 21 May 1976 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your personality disorder diagnosis. The Board found you waived your right to an ADB, your best opportunity for retention or a better characterization of service. 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