



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

CRS
Docket No: 8208-09
29 December 2009

[REDACTED]

[REDACTED]

This is in reference to your request for further consideration 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 16 December 2009. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 23 October 2002. On 20 May 2004 you were given diagnoses of posttraumatic stress disorder, depressive disorder, alcohol abuse, occupational problem, and personality disorder with borderline, schizotypal, and paranoid traits, and recommended for separation due to your unsuitability for naval service. You received nonjudicial punishment on 21 May 2004 for desertion and missing movement. The punishment imposed consisted of reduction to pay grade E-2, forfeiture of \$1387.00 per month for one month, and restriction and extra duty for 45 days. On 24 May 2004 your commanding officer recommended that you be separated from the Navy with a general discharge by reason of misconduct due to the commission of a serious offense. The recommendation for separation was approved and you were so discharged on 24 May 2004.

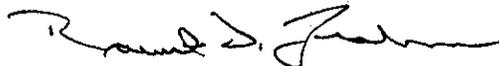
As the available evidence does not demonstrate that you were unfit for duty by reason of physical disability or that you suffered from a condition, not a disability, that interfered with your service, and that you were discharged in error, the Board

had no basis for granting your request for correction of the reason and authority for your separation. In this regard, it noted that your discharge by reason of misconduct would have taken precedence over and precluded your separation for the convenience of the government, as well as a discharge by reason of physical disability. As you have not established that your reduction to pay grade E-2 was erroneous or unjust, there is no basis for correcting your record to show that you were discharged in grade E-4.

In view of the foregoing, 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