



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

TAL
Docket No: 1324-10
29 October 2010

[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 27 October 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.

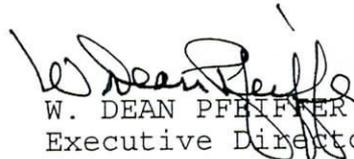
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy Reserve and began a period of active duty on 1 April 1964, at age 20. On 17 February 1965, you made a suicidal gesture by taking 30 aspirins as a result of being upset about your impending mess duty. On 23 February 1965, you were the subject of a psychiatric evaluation that diagnosed you with an emotional instability disorder, manifested by impulsivity, low-frustration tolerance and resentment of symbols of authority. You stated in part, that you would do anything to get out of mess duty. You were notified of pending administrative separation action by reason of unsuitability due to your diagnosed personality disorder. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. On 3 March 1965, you received nonjudicial punishment (NJP) for malingering by taking an aspirin overdose to avoid mess duty. On 24 March 1965, the separation authority approved the separation and you were discharged under honorable conditions. Characterization of service is based on trait marks assigned on a periodic basis. An overall trait average of 3.0 was required for an honorable discharge at the time of your separation. Your overall trait average was 2.81.

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 found that these factors were not sufficient to warrant a change in your characterization of service given your misconduct and insufficiently high overall trait average. Finally, no discharge is automatically upgraded due to the passage of time or an individual's good behavior after 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 PFIEFFER
Executive Director