



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

TJR
Docket No: 1531-10
20 October 2010

[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 13 October 2010. The names and votes of the members of the panel will be furnished upon request. 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 Marine Corps on 19 July 1984 at age 18 and served for a year without disciplinary incident, but on 13 August 1985 you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA) and were awarded extra duty and restriction for 14 days and a \$300 forfeiture of pay.

In January 1986, after undergoing a psychiatric evaluation, you were diagnosed with an immature personality disorder and an adjustment disorder. You were also recommended for an expeditious administrative separation. On 24 January 1986 you received a letter of warning regarding deficiencies in your performance, specifically, failure to go to your appointed place of duty, being placed on weight control, poor judgment and immaturity, a lengthy period of UA, and being diagnosed with personality and adjustment disorders. You were warned that any further deficiencies in your performance could result in an administrative separation and disciplinary action. On 28 January 1986 you were convicted by special court-martial (SPCM) of a 24

day period of UA and sentenced to a \$960 forfeiture of pay, reduction to paygrade E-1, and confinement at hard labor for 30 days.

In February 1986 you were processed for an administrative separation by reason of convenience of the government due to a condition, not a physical disability as evidenced by your diagnosed personality disorder. Your commanding officer recommended a general discharge stating in part, that your disciplinary record of NJP, SPCM, and UA were also taken into consideration. Subsequently, the discharge authority approved this recommendation and directed discharge under honorable conditions, and on 13 March 1986, you were issued a general discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in NJP and SPCM and your diagnosed personality and adjustment disorders which resulted in your incompatibility with military service. Accordingly, your application has been denied.

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