



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

SJN

Docket No: 03336-10

20 January 2011

[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 19 January 2011. 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 8 July 1988. The Board found that on 24 March and 30 June 1989, you received nonjudicial punishment (NJP) for six instances of unauthorized absence (UA), five instances of disobedience, and insubordination. On 2 August 1989, you were the subject of a psychiatric evaluation which diagnosed you with a passive aggressive personality disorder. The report further stated, in part, that you admitted that you could not adjust to the military way of life, had given the Navy a chance, but it was not working, and that it was only going to get worst. Although your record is incomplete it appears you were notified of pending administrative separation action by reason of convenience of the government due to the diagnosed personality disorder. You elected to waive your rights to consult counsel, or submit a statement. Your commanding officer forwarded his recommendation for discharge to the separation authority. The recommendation was approved and on 1 September 2001 you received a general discharge due to your diagnosed personality disorder.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's and the diagnosis of a personality disorder. 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