



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

SJN
Docket No: 05072-10
24 March 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 22 March 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.

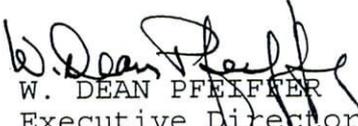
You enlisted in the Navy Reserve and began a period of active duty on 25 November 1992. The Board found that a mental health evaluation diagnosed you with a personality disorder. The report stated, in part, that you wanted out of the Navy at any cost. You were found to be unsuitable for further service, and a risk to harm yourself or others. On 4 November 1994, you received nonjudicial punishment (NJP) for malingering after you intentionally ingested about 24 Advil capsules as a suicidal gesture. Your commanding officer stated, in part, that your suicidal gesture was just an attempt to avoid deployment so you could be with your husband, who had been recently administratively separated from the service. You received a reduction in rate and a forfeiture of pay. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 21 November 1994, your commanding officer forwarded his recommendation that you be discharged under honorable conditions by reason of misconduct. The discharge authority concurred and

directed a general discharge by reason of misconduct due to commission of a serious offense. On 5 December 1994 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and personal issues you were dealing with prior to your discharge. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your NJP for a very serious offense. The Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. 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