



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

TAL
Docket No: 5279-09
9 April 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 31 March 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 and began a period of active duty on 30 December 1968, at age 20. On 16 April 1969, you received nonjudicial punishment (NJP) for not carrying your Armed Forces Identification Card and liberty pass while on liberty, two instances of unauthorized absence (UA) from your appointed place of duty, two instances of failure to obey a lawful order and insubordinate conduct toward a superior noncommissioned officer. On 28 July 1969, you were the subject of a psychiatric evaluation that diagnosed you with an antisocial personality disorder. During the evaluation you stated in part, that you were bored, angry and unable to tolerate the people you worked for and with, and that you never liked anybody. On 21 October 1969, you were convicted by special court-martial (SPCM) of two instances of UA from your unit for a period of 43 days and insubordinate conduct toward a superior noncommissioned officer. On 27 October 1969, you were notified of pending administrative separation action by reason of unsuitability due to the diagnosed personality disorder. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. On 9 January 1970, the separation authority approved the

separation under honorable conditions. On 16 January 1970 you were so discharged.

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 the seriousness of your misconduct and the diagnosed personality disorder. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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