



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 2773-99

25 August 1999

[REDACTED]

Dear [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 24 August 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 5 March 1986 at age 19. The record shows that you received nonjudicial punishment on two occasions for two instances of assault and use of provoking speeches or gestures. In addition, the record shows several psychiatric evaluations which diagnosed you with an adjustment disorder and a mixed personality disorder with antisocial and passive-aggressive features. However, you were returned to duty for administrative separation.

Based on your disciplinary record, you were processed for an administrative discharge by reason of misconduct. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. Subsequently, the discharge authority directed discharge for misconduct with a discharge under other than honorable conditions. You were so discharged on 29 May 1987.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, low score on the aptitude test and your contention that the diagnosed personality disorder impaired your ability to serve. In support of your contention, you have submitted evidence showing that you

are receiving disability payments from the Social Security Administration. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your disciplinary action for two instances of assault during a period of service which lasted only about a year. There is no evidence in the record, and you have submitted none, to show that you were not responsible for your misconduct while in the Navy. The Board concluded that the discharge was proper as issued and no change is warranted.

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