



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

JRE
Docket No: 5037-00
20 July 2001

[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 12 July 2001. 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 absented yourself without authority on 18 August 1998, and remained absent until 23 March 1999. It appears that disciplinary proceedings were initiated against you upon your return to military control, but they were suspended or terminated after you were hospitalized for psychiatric evaluation on 15 April 1999. You were evaluated by a medical board on 9 July 1999, given a diagnosis of schizoaffective disorder, bipolar type, and referred to the Physical Evaluation Board (PEB). On 2 September 1999, the PEB made preliminary findings that you were unfit for duty because of the aforementioned mental disorder, which it rated at 10%. You accepted those findings on 20 September 1999, and were discharged with entitlement to disability severance pay on 15 October 1999.

The Board noted that there is no indication in the medical board report that you were unable to appreciate the nature, quality or wrongfulness of your actions when you absented yourself without authority. The Board was not persuaded that you lacked mental responsibility, or that your mental disorder was sufficiently extenuating or mitigating to warrant the correction your record in such a manner that you would be entitled to pay and allowances for the

extended period when you were absent and performed no duties. It noted that your commander's decision not to take disciplinary action against you, or to initiate administrative separation action, is not equivalent a determination that you the absence should be excused. 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