



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

JRE
Docket No: 5283-01
14 August 2001



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 9 August 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 enlisted in the Naval Reserve on 11 December 1963, and entered on active duty on 6 January 1964. It appears that your enlistment was fraudulent, in that you failed to disclose your pre-service history of psychiatric evaluation, diagnosis and treatment. You were separated from the Navy with an undesirable discharge on 30 December 1964, due to your commission of numerous violations of the Uniform Code of Military Justice, for which you received non-judicial punishment on eight separate occasions. The discharge was subsequently upgraded to general upon the approval of the recommendation of the Board, which noted that most of your offenses were alcohol related, and felt that you were unsuitable for service rather than unfit by reason of misconduct.

The Board noted that in order for a service member to qualify for disability separation or retirement from the Armed Forces, he must be unfit to perform the duties of his office, grade, rate or rating by reason of a physical disability which was incurred in or aggravated by his military service. Although you may have been suffering from a mental disorder during your brief period of naval service, the available records are insufficient to determine

the nature or degree of severity of such a disorder. There is no basis for concluding that you suffered from a mental disorder which was incurred in or aggravated by your service, or that you were unfit for duty because of the effects of a mental disorder. In addition, the Board concluded that it would not be in the interest of justice to upgrade your discharge to honorable.

In view of the foregoing, 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