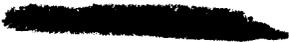




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 4708-02
23 December 2002



This is in reference to your request for reconsideration of 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 December 2002. 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 concluded that the new medical evidence you submitted was cumulative with that previously submitted, and that it provided no basis for reversing the Board's previous decisions in your case of 13 April 1999 and 13 February 2002. The statement concerning your service during May and June 1972 which was prepared for Mr. C... 's signature was not considered probative of your contention that you suffered from post traumatic stress disorder when you committed the offenses which resulted in your discharge for the good of the service. It noted that the decision of the Board, in a previous case, to upgrade Mr. B... 's discharge does not mandate or suggest that your discharge be upgraded. As your Representative in Congress was advised on 30 May 2002, the Board conducts a fair and independent review of each case under consideration. Favorable action by the Board in a case similar to yours does not invalidate the unfavorable decision in your case. In addition, the Board noted that the panel which considered Mr. B... 's case may have misinterpreted the recommendation of the psychiatric advisor, in that the summary of his opinion and recommendation in the Proceedings of the Board in his case is substantially more favorable to

him than the opinion and recommendation contained in the complete text of the advisory opinion.

The Board concluded that your service was properly characterized with as under other than honorable conditions, and that you have not demonstrated that it would be in the interest of justice to upgrade your discharge. 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