



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

JRE
Docket No: 5262-01
26 February 2002

[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 14 February 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 found that you served in the Navy from 8 July 1986 to 15 December 1987, when you were discharged under other than honorable conditions by reason of misconduct-pattern of misconduct, based on absences without authority, missing the movement of a vessel, breach of restriction, and wrongfully jumping from a naval vessel.

The Board noted that a discharge by reason of misconduct takes precedence over and precludes disability evaluation processing. In addition, it noted that an antisocial personality disorder and a substance abuse disorder are not considered disabilities under the laws administered by the Department of the Navy. The fact that the Social Security Administration has awarded you disability benefits for the former condition is not probative of error or injustice in your naval record, because the laws administered by that agency are not applicable to military disability determinations. In the absence of evidence which demonstrates that your discharge by reason of misconduct was improper, and establishes that you were unfit to perform your duties by reason of a physical disability which was incurred in or aggravated by your brief period of naval service, the Board was unable to recommend

any corrective action in your case. 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