



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

TJR
Docket No: 10210-02
8 September 2003

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 3 September 2003. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 23 June 1978 at age 17. On 17 November 1978 you received nonjudicial punishment (NJP) for a 17 day period of unauthorized absence (UA) and were awarded a \$200 forfeiture of pay and restriction and extra duty for 17 days. On 23 January 1979 you appealed the NJP and the appeal authority mitigated the punishment by suspending the forfeitures for three months.

During the period from 4 to 13 November 1979 you were in a UA status. Shortly thereafter, on 19 November 1979, you were referred for a psychiatric evaluation because you were making threatening telephone calls. After the evaluation, you were diagnosed with a personality disorder and recommended for immediate separation. Two days later, on 21 November 1979, you received NJP for the foregoing 10 day period of UA and were awarded a \$250 forfeiture of pay.

Subsequently, you were notified of pending separation action by reason of unsuitability due to the diagnosed personality disorder. At that time you waived your right to consult with

legal counsel and to submit a statement in rebuttal to the separation. Your commanding officer recommended separation by reason of unsuitability, and on 7 December 1979 the discharge authority directed separation with the type of discharge warranted by your service record. On 13 December 1979 you were issued a general discharge by reason of unsuitability.

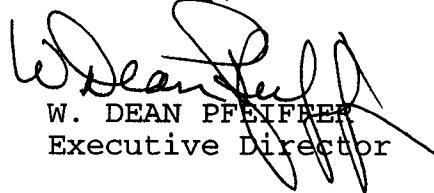
Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.7. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, the diagnosed personality disorder, and post service conduct. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the two NJPs and since your conduct average was insufficiently high to warrant an honorable 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