



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

TJR
Docket No: 950-02
18 July 2002

[REDACTED]

[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 16 July 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 12 February 1965 at the age of 17. On 15 October 1965 you received nonjudicial punishment (NJP) for a 40 day period of unauthorized absence (UA) and were awarded restriction for 60 days and a \$96 forfeiture of pay.

During the period from 20 January to 26 April 1966 you received NJP on three occasions for two periods of absence from your appointed place of duty, two specifications of failure to obey a lawful order, and disrespect. On 10 March 1966 you were also convicted by summary court-martial (SCM) of a 22 day period of UA and sentenced to restriction and hard labor for 45 days and a \$65 forfeiture of pay.

On 26 April 1968 you were convicted by special court-martial (SPCM) of a 236 day period of UA. You were sentenced to confinement at hard labor for six months, reduction to paygrade E-1, a \$540 forfeiture of pay, and a bad conduct discharge (BCD). On 15 May 1968, after undergoing a psychiatric evaluation while in confinement, you were diagnosed with a schizoid personality

disorder. At that time you stated that you had used drugs during the foregoing period of UA. On 27 June 1968, during a follow-up psychiatric evaluation, you stated that you were having flashbacks and experiencing homosexual impulses. On 13 September 1968 you submitted a written request for immediate execution of the BCD, stating that you simply did not wish to be in the service. Subsequently, the BCD was approved at all levels of review, and on 20 September 1968 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and character reference letters. It also considered your contention that because of your severe personality disorder, you would like to obtain veteran's benefits. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your misconduct, which resulted in four NJPs and two court-martial convictions. 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