



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

JRE
Docket No. 07516-03
27 October 2003



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 23 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you underwent a pre-enlistment physical examination on 3 August 1970. Although you were noted to have a significant hearing loss, you were found physically qualified for enlistment. You enlisted in the Navy on that date for a term of two years. On 14 September 1970, you complained that you had trouble hearing in your right ear, and that your hearing loss was getting progressively worse. On 22 September 1970, after undergoing audiological evaluation, you were found fit for duty; however, the examiner recommended that you not be required to fulfill duties requiring binaural hearing. On the basis of those findings, you were removed from an aviation preparatory training program. On 1 June 1971, you were diagnosed as

suffering from an antisocial personality disorder, and recommended for discharge by reason of unsuitability. You were separated from the Navy on 2 July 1971, with an honorable discharge.

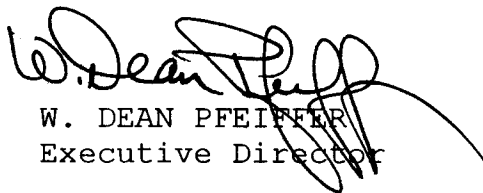
The Board noted that you did not meet the criteria for an honorable discharge because of your 1.0 conduct and overall trait averages, and your three convictions by court-martial and one nonjudicial punishment, for multiple unauthorized absence offenses, and two larcenies. On 30 April 1977, you submitted a letter in support of an application to the Naval Discharge Review Board in which you attributed your misconduct to personal and financial problems. You contended that you had difficulty supporting your family on your limited military income, and particularly so when your income was reduced by forfeitures of pay. You conceded that the actions taken against you by Navy officials were warranted, and expressed the opinion that your obligation to your wife and child was greater than your obligation to the Navy. You did not contend that your misconduct was related to shame over your disqualification from the aviation preparatory training program, as you now do.

The Board rejected your unsubstantiated contentions to the effect that you were unfit for duty by reason of physical disability, that you were misdiagnosed as suffering from a personality disorder, and that the punishments you received as a result of your convictions by court-martial and nonjudicial punishment were unjust. The Board was unable to conclude that any of the disciplinary actions taken against you were improper, that your discharge should be upgraded to honorable, or that the basis therefor should be changed to physical disability. 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,

A handwritten signature in black ink, appearing to read "W. Dean Pfeiffer". The signature is stylized and somewhat cursive, with a long horizontal stroke extending to the right.

W. DEAN PFEIFFER
Executive Director