



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

BJG
Docket No: 346-10
22 September 2010

[REDACTED]

[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 21 September 2010. 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 entered active duty in the Navy on 12 September 1990. You received nonjudicial punishment for larceny of another Sailor's sea bag, drunk and disorderly conduct, and being incapacitated for the performance of your duties. On 28 January 1992, you were admitted to a mental health unit for homicidal ideation. You were diagnosed with an adjustment disorder with mixed emotional features and a passive-aggressive personality disorder with antisocial features. You were notified that your commanding

officer was recommending you for administrative separation with a type of characterization warranted by your service record due to misconduct (commission of a serious offense). You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 18 March 1992, you received a general discharge due to misconduct (commission of serious offense), and were assigned an RE-4 (not recommended for retention) reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, mental health issues, and post service good conduct. However, the Board concluded that your discharge should not be changed because of your misconduct. The Board found that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. The Board concluded that you were fortunate to receive a general characterization of service, because individuals who are separated for misconduct such as yours normally receive an other than honorable discharge. In view of the above, 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