



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

CRS
Docket No: 4919-01
19 October 2001

[REDACTED]

Dear [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 17 October 2001. 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 enlisted in the Navy on 25 July 1967 at age 19. You served without incident until 20 September 1971 when you received nonjudicial punishment for failure to obey a lawful order by reading on watch and not conducting a continuous patrol. The punishment imposed consisted of a reduction in pay grade from STS2 (E-5) to STS3 (E-4). On 15 February 1972 you received a second nonjudicial punishment for failure to obey a lawful order. The punishment imposed consisted of a reduction in pay grade from E-4 to STSSN (E-3).

A psychiatric evaluation, conducted on 23 March 1972, found that you had a passive-aggressive personality disorder. On 5 May 1972 the commanding officer recommended that you be separated with an honorable discharge by reason of unsuitability due to the diagnosed personality disorder. On 9 May 1972 Commander, Submarine Force, Pacific Fleet revoked your submarine designator. You were honorably discharged on 23 May 1972 in the rank of STSSN.

The Board noted your contention that you should have been separated as an STS2 but found it insufficient for restoration to that rank. In this regard, the Board presumed that the commanding officer acted reasonably in concluding, based on the evidence before him on both occasions, that you committed the foregoing offenses and reduction in rate was an appropriate punishment. The Board concluded that the commanding officer was in the best position to resolve the factual issues and determine an appropriate punishment.

Concerning your request for restoring your submarine designator, it is clear that it was properly revoked on 9 May 1972 by Commander, Submarine Force, Pacific Fleet and there is no reason for the Board to override this decision.

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