



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

JRE
Docket No: 7712-00
10 October 2001



Dear [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 27 September 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 were separated from the Navy on 1 March 1968, with a bad conduct discharge, which was awarded by a special court-martial following your conviction of an extended absence without authority. In addition to that conviction, you had two previous convictions by courts-martial, and received non-judicial punishment on one occasion. Although you were diagnosed as suffering from a personality disorder, which rendered you unsuitable for service, there is no indication in the available records that you were unfit for duty by reason of physical disability. In addition, it noted that you would not have been eligible for disability processing even if you had been unfit, because a punitive discharge takes precedence over such processing.

The Board concluded that your service was properly characterized by a bad conduct discharge, and that it would not be in the interest of justice to upgrade that 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