



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

TRG
Docket No: 7768-00
27 November 2001

[REDACTED]

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 20 November 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. In addition, the Board considered an advisory opinion furnished by the Specialty Advisory for Psychiatry, Bureau of Medicine and Surgery, a copy of which is enclosed.

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.

You enlisted in the Navy on 30 October 1972 at age 17. The record shows that on 19 April 1973 you received nonjudicial punishment for an unauthorized absence of about three days.

A special court-martial convened on 22 December 1975 and convicted you of six periods of unauthorized absence totaling about 727 days. The court sentenced you to forfeiture of \$240 pay per month for two months, confinement at hard labor for two months and a bad conduct discharge. On 15 March 1976 the supervisory authority approved the sentence but suspended the bad conduct discharge for a probationary period of six months.

On 22 March 1976 you received nonjudicial punishment for absence from your appointed place of duty. A summary court-martial convened on 3 September 1976 and convicted you of two periods of unauthorized absence totaling about 141 days. Subsequently, the previously approved bad conduct discharge was ordered executed. You received the bad conduct discharge on 8 February 1977.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and limited

education. The Board also considered your contentions that your ability to serve was impaired by your deprived background; personal, financial and family problems; and your mental illness. You have submitted evidence showing that you were diagnosed with paranoid schizophrenia in December 1978. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated and lengthy periods of unauthorized absence. Concerning the mental illness, the advisory opinion concluded that there is no evidence that you were suffering from paranoid schizophrenia during the period from 1973 to 1976. Further, you were discharged in February 1977 and were not diagnosed as being mentally ill until December 1978. Therefore, the Board substantially concurred with the comments contained in the advisory opinion and believed that you were responsible for your actions and competent to stand trial while you were in the Navy. The Board concluded that the discharge was proper as issued and no change is warranted.

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

Enclosure

MEMORANDUM

Date: 13 JUL 01

From: Victor Stiebel, CDR, MC, USNR
To: Board for the Correction of Naval Records

Subj: APPLICATION FOR CORRECTION OF NAVAL RECORDS ICO EX-
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Ref: (a) Chairman, BCNR, ltr AEG:jdh, Docket #7768-00, dtd 15MAY01

End: (1) BCNR File
(2) Service Record
(3) Medical Record (limited)
(4) Civilian Psychiatric Record (limited)

1. Per your verbal request and in accordance with ref (a), I have reviewed enclosures (1) through (4).
2. Review of service record indicates that ██████████ enlisted on 13 OCT 72. He went AWOL in April 1973. Prior to his discharge he accumulated over 900 days of unauthorized absences. He was discharged on 18 FEB 77
3. Review of the medical record is unremarkable. On a discharge physical he did answer positively to "nervous trouble of any sort".
4. Review of the civilian record reveals that he was initially admitted to a psychiatric hospital on October 16, 1978. He has carried a diagnosis of Paranoid Schizophrenia as well as alcohol abuse.
5. Review of the BCNR record indicates that the petitioner is requesting an upgrade in discharge status to honorable.
6. After reviewing this chart I have no doubt that the diagnosis of schizophrenia is reasonable, and probably accurate. I find it very hard to say that he suffered from this disease while on active duty, since so much of his active duty time was spent in an AWOL status. Even before his enlistment he had spent time in some facility for "wayward" youth because of stealing. He received a waiver for this so that he could enlist. He also went AWOL for the first time within six months of his enlistment. I have no doubt that this was a tough period for him, with his girlfriend pregnant and problems at home. However based on his enlistment physical, and his own statements, he was not psychiatrically impaired at that time. The prodrome for schizophrenia can certainly last for several years. To support his claim I would have to say that his prodrome started within those first six months, and continued until 1978 when he had his first psychotic episode.

Respectfully Submitted,

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CDR MC USNR-R
Staff Psychiatrist