



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

TRG
Docket No: 7404-01
8 February 2002



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 5 February 2002. 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.

You enlisted in the Navy on 10 September 1981 age 22. On 28 January 1982 you were admitted to the hospital for evaluation of suicidal behavior. Subsequently, you were diagnosed with an antisocial personality disorder, and chronic and severe mixed polysubstance abuse. You were not considered motivated for rehabilitation. On 19 February 1982 you made a sworn statement and admitted to engaging in homosexual activity since the age of 18 and extensive use of marijuana, mescaline, acid, cocaine, and speed. Subsequently, you acknowledged alcohol dependency but waived treatment by the Navy.

Based on your admissions, you were processed for an administrative discharge. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 3 June 1982 the discharge authority approved the recommendation of your commanding officer and directed a general discharge by reason of misconduct. You were so discharged on 14 June 1982.

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

serve again in the military. You state in your application that you made false statements in order to be discharged from the Navy and that you regret your actions. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your admission of extensive drug abuse and homosexuality. The Board was aware that it is well settled in the law that an individual who perpetrates a fraud in order to be discharged should not benefit from that fraud when it is discovered. The Board concluded that whichever version of events is correct, 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