



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

TJR
Docket No: 10415-02
12 September 2003

[REDACTED]

[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 9 September 2003. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 11 May 1966 at age 17. On 10 January 1967 you received nonjudicial punishment (NJP) for dereliction of duty and were awarded a \$50 forfeiture of pay and correctional custody for 20 days.

During the period from 1 to 20 February 1967, after being referred for medical evaluations for anxiety reactions and acute anxiety with depression, you were diagnosed with an emotionally unstable personality manifested by your failure to accept responsibility, poor judgment, resentment of authority figures, fluctuating emotional attitudes, and poor control of anxiety and hostility. At that time you were recommended for immediate separation.

On 28 March 1967 you were notified of pending separation action by reason of unsuitability due to the diagnosed character and behavior disorder and the NJP. After consulting with legal counsel, you waived your right to submit a statement in rebuttal to the separation. On 9 May 1967 legal counsel submitted a written request for a honorable or general discharge stating, in

part, that your past conduct reflected credit upon the Naval Service. On 31 May 1967 your commanding officer recommended separation by reason of unsuitability, stating in part, that further retention in the service would not be in the best interest of the Navy. Subsequently, on 15 June 1967, the discharge authority directed separation with the type of discharge warranted by your service record, and on 23 June 1967 you were issued a general discharge by reason of unsuitability.

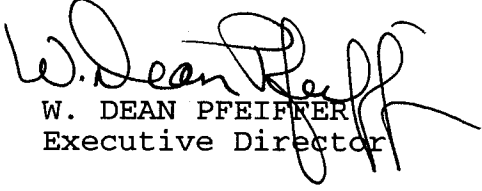
Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.0. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, the diagnosed character and behavior disorder, and post service conduct. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the NJP and since your conduct average was insufficiently high to warrant an honorable 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