



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

JRE
Docket No. 06749-07
1 July 2008

[REDACTED]

[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 19 June 2008. 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 served on active duty in the Navy from 6 June 1983 to 5 April 1985, when you were discharged by reason of misconduct with a discharge under other than honorable conditions, based on your frequent involvement of a discreditable nature with military authorities. The discharge was specifically based on the five instances of nonjudicial punishment you received for at least sixteen violations of Article 86, Uniform Code of Military Justice (UCMJ), disobedience of lawful orders, and an unspecified violation of

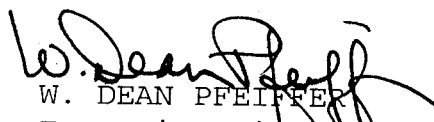
Article 134, UCMJ. No evidence of a significant mental disorder was found during the clinical psychiatric evaluation completed on 13 November 1984, when you underwent a pre-separation physical examination and were found qualified for duty and separation. Approximately nineteen months later, you were given diagnoses of an adjustment disorder and a narcissistic personality disorder after a brief period of hospitalization.

The Board carefully considered the sanity evaluation which was prepared by Dr. U... dated 23 December 1991. In his opinion, you suffered from a psychotic disorder which "most likely" had its onset "between 1983 and 1984", and led you to commit numerous military offenses. The Board found that opinion insufficient to warrant corrective action in your case, as it concluded that the opinion is highly speculative in nature, and based in large part your self-serving statements, which he apparently accepted as true. The Board noted that you were convicted of murder and sentenced to life imprisonment notwithstanding Dr. U...'s opinion that you were insane when you committed an aggravated murder while incarcerated for a previous attempted murder.

In view of the foregoing, and as you have not demonstrated that, on 5 April 1985, you were unfit to reasonably perform the duties of your office, grade, rank or rating by reason of physical disability that was incurred in or aggravated while you were entitled to basic pay in the Navy, the Board was unable to recommend any corrective action in your case. 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