



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

CRS
Docket No: 9240-07
18 November 2008



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 13 November 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 enlisted in the Navy Reserve on 3 September 1981. You received five nonjudicial punishments between 29 October 1982 and 15 September 1983 for offenses that included willful disobedience of a lawful order, attempting to enter a female berthing area, appearing in your underwear while descending a ladder into a female berthing area, possession of drug paraphernalia, assault, disorderly conduct, resisting apprehension, disrespect, and unlawful possession of two identification cards.

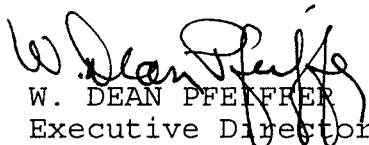
On 28 February 1984 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. After being informed of that recommendation and your rights in connection therewith, you waived the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 21 March 1984 with a discharge under other than honorable conditions.

In its review of your application, the Board carefully considered

your contentions to the effect that you were suffering from posttraumatic stress disorder (PTSD), that the acts of misconduct which resulted in your discharge were symptoms of undiagnosed PTSD, and that you were unfit for duty by reason of physical disability because of the effects of a mental disorder. The Board could not find any evidence in your application or the available records that substantiates those contentions. It concluded that your service is properly characterized by a discharge under other than honorable conditions in view of your extensive disciplinary record. It also concluded that you have not established that any information was erroneously or improperly excluded from your health record. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge as a matter of clemency, 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