



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

CRS  
Docket No: 2825-08  
26 November 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 25 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.

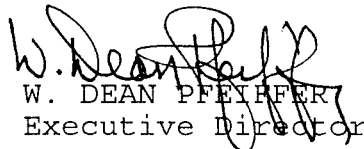
The Board found that you reenlisted in the Navy on 26 June 1959 after more than three years of prior active service. On 8 February 1960 a special court-martial convened and found you guilty of missing movement. On 27 April 1960 you were convicted by special court-martial of a lengthy period of unauthorized absence and breaking arrest, and sentenced to confinement at hard labor for six months, forfeiture of \$70 pay per month for six months, reduction in rank, and a bad conduct discharge. While confined on 2 June 1960, you told a counselor that you absented yourself without authority to avoid assaulting a chief petty officer with whom you were having difficulty. You were evaluated by a psychiatrist on 14 June 1960. He found that you had a long history of acting-out, aggressive behavior, and inability to tolerate stress, as well as a need to maintain a belligerent and overbearing attitude. His diagnostic impression was that you suffered from an emotional instability reaction. You were separated from the Navy on 15 December 1960 with a bad conduct discharge.

The Board did not accept your unsubstantiated contention to the effect that you lacked mental responsibility for your actions as a result of undiagnosed clinical depression. In addition, it was

not persuaded that your misconduct was significantly extenuated or mitigated by the effects of depression, emotional instability reaction, or any other mental disorder. The Board concluded that in view of the nature and severity of your offenses, your service was properly characterized as under other than honorable conditions. Accordingly, and as you have not demonstrated that it would be in the interest of justice to upgrade your discharge, 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