



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

TJR  
Docket No: 7509-08  
12 June 2009

[REDACTED]

Dear [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 June 2009. The names and votes of the members of the panel will be furnished upon request. 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 2 January 1994 at age 17 and began a period of active duty on 25 July 1994. About four months later, on 15 November 1994, you were issued a light duty chit as a result of a knee injury.

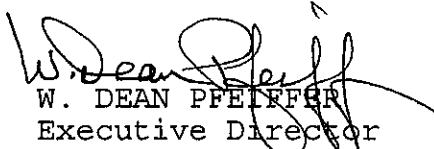
On 9 February 1995 you received nonjudicial punishment (NJP) for failure to obey a lawful order, malingering, feigning a knee injury, and altering a light duty chit by five days. On 24 February 1995, after undergoing a psychiatric evaluation, you were diagnosed with a severe personality disorder. The psychiatric report stated, in part, that the disorder was not amenable to treatment in a military facility; you represented a continuing suicide risk, and were a risk to the welfare of your fellow Sailors. At that time you were strongly recommended for an expeditious administrative separation.

On 9 March 1995 you were notified of pending administrative separation action by reason of misconduct as evidenced by offenses resulting in NJP and convenience of the government due to the diagnosed personality disorder. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 16 March 1995 your commanding officer recommended separation by reason of misconduct and convenience of the government, and that you be issued a discharge with the characterization warranted by your service record. On 5 April 1995 the discharge authority directed your commanding officer to issue you a general discharge by reason of misconduct, and on 25 April 1995, you were so discharged and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade the characterization of your general discharge and change your reenlistment code so that you may reenlist. It also considered your 9 March 1995 rebuttal letter in which you requested that the disobedience charge be removed from your record. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge or a change of your RE-4 reenlistment code because of the seriousness of your misconduct and the severity of your diagnosed personality disorder. Accordingly, your application has been denied.

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