



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

CRS
Docket No: 6543-09
6 July 2010

[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 9 June 2010. 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 on 1 October 1989. On 29 April 1991 a special court-martial convened and found you guilty of unauthorized absences totaling 98 days and breaking restriction. The court sentenced you to confinement at hard labor for four months, forfeiture of \$400.00 per month for four months, and reduction in pay grade.

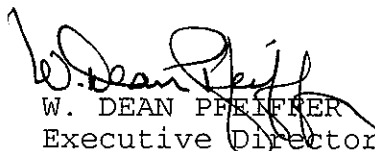
On 19 July 91 your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense. After being informed of the recommendation, you elected to waive the right to consultation with and representation by counsel and to present your case to an administrative discharge board. As you were recommended for discharge because of offenses of which you had been convicted by a special court-martial which did not impose a punitive discharge, the recommendation was forwarded to the Assistant Secretary of the Navy for Manpower and Reserve Affairs for review and action. The Secretary approved the recommendation on 29 August 1991. On 6 September 1991, the

Commander, Naval Military Personnel Command directed that you be discharged under other than honorable conditions by reason of misconduct. You were so discharged on 24 September 1991.

In its review of your application, the Board carefully considered your contention that bipolar depression and depression caused your misconduct. The Board concluded that the positive aspects of your service were outweighed by your repeated acts of misconduct. It was not persuaded your misconduct was related to any mental disorder. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board 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