



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

JRE  
Docket No. 09970-09  
25 January 2010



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 7 January 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.

You enlisted in the Navy on 24 August 1989. On 10 January 1990, a medical board gave you diagnoses of major depression, alcohol abuse, suicidal ideation, and a borderline personality disorder, each of which existed prior to your enlistment and were not service aggravated. The medical board recommended that you be discharged from the Naval Service without entitlement to disability benefits. Your commander opted to process you for separation by reason of homosexuality as well as misconduct/commission of a serious offense, based on your record of nonjudicial punishment for violation of an order and conduct prejudicial to the good order and discipline of the service, and conviction by summary court-martial of the theft of a two wedding bands and a engagement ring of a value of \$700.00. On 27

April 1990, after being advised of your rights in connection with the proposed separation, you waived all rights. You were discharged under other than honorable conditions on 11 July 1990, by reason of misconduct/commission of a serious offense. The Naval Discharge Review Board denied your request for upgrade of your discharge on or about 4 February 2000.

As you were found unfit for duty due to conditions that were not incurred in or aggravated by your naval service, and as you were discharged by reason of misconduct, which takes precedence over disability processing, there is no basis for correction your record to show that you were retired from the Navy by reason of physical disability, or discharged with entitlement to disability severance pay. 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