



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

TAL
Docket No: 865-10
26 October 2010

[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 20 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 22 December 1987 at age 21. On 7 June 1988, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit for a period of 17 days. On 8 June 1988, you were referred for a mental health evaluation by the emergency room at Naval Hospital, Oakland, California, after a suicide attempt by an overdose of aspirin and Motrin. You were diagnosed with alcohol dependence, and a mixed personality disorder with borderline and antisocial features. You stated in part that "I just can't take it" in the Navy. You later admitted to one of the staff that you had never actually been suicidal, but simply wanted to make a gesture in order to facilitate your separation. On 15 June 1988, you received NJP for malingering by taking an over dose of pills. On 22 June 1988, you were notified that you would be involuntarily processed for an entry level separation. Your record is incomplete, but in connection with this processing, you would have acknowledged the separation action and the discharge authority approved a recommendation for separation. On 19 July 1988, you were discharged with an honorable discharge due to entry level performance and conduct. On 19 July 1988, you

signed an administrative remarks document acknowledging you had been informed that you were assigned an RE-4 reenlistment code, which means that you were neither recommended nor eligible for reenlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization of service given your unsatisfactory performance. Additionally, an entry level separation is required when notification of administrative discharge processing is issued within the first 180 days of continuous active duty. 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