



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

TJR
Docket No: 11692-10
25 August 2011

[REDACTED]

[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 23 August 2011. 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 16 February 1990 at age 19 and began a period of active duty on 16 April 1990. You served without disciplinary incident until 5 August 1991, when you received nonjudicial punishment (NJP) for underage drinking, drunk and disorderly conduct, absence from your appointed place of duty, and disrespect. During the period from 15 to 20 August 1991, after being referred for a mental health evaluation, you were hospitalized because of your suicidal and homicidal ideation, conflicts with superiors, and dissatisfaction with the Navy. During the evaluation you expressed signs of mood swings, unstable interpersonal relationships, impulsivity, lack of anger control and a chronic feeling of emptiness. You also admitted to heavy usage of marijuana and cocaine, and overindulgence in alcohol prior to enlistment. You were diagnosed with poly-substance and alcohol dependence and a borderline personality disorder. You were recommended for an administrative separation due to unsuitability because your personality disorder was of such severity as to interfere with you serving adequately.

Subsequently, you were processed for an administrative separation by reason of convenience of the government due to the diagnosed personality disorder. You did not object to the separation and waived your procedural rights. The discharge authority directed discharge under honorable conditions by reason of convenience of the government due to the diagnosed personality disorder, and on 11 September 1991, you were so discharged.

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 your discharge. It also considered your assertion of sexual harassment. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in NJP. Further, the Board noted that you waived your procedural rights and did not object to the general discharge. Finally, there is no evidence in the record, and you submitted none, to support your assertion of sexual harassment. 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