



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

SJN
Docket No: 00230-11
2 February 2011

[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 1 February 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.

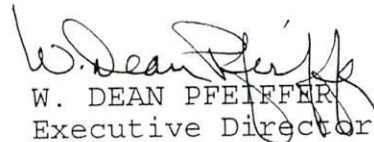
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 1 July 1973. The Board found that you received four nonjudicial punishments (NJP's) for two instances of absence from your appointed place of duty, disobedience, use of provoking speech and gestures, and seven periods of unauthorized absence (UA). You were also convicted by two special courts-martial (SPCM's) of disobedience, drawing a weapon against a superior officer, damaging government property, resisting apprehension, use of provoking speech and gestures, assault, and communicating a threat. You were sentenced to confinement at hard labor, a reduction in paygrade, and a bad conduct discharge (BCD). You received the BCD on 5 February 1976 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and belief that you should have been discharged due to your diagnosed paranoid personality that existed prior to your entry on active duty. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your four NJP's and two SPCM convictions for very serious offenses. Finally, there is no indication in the record that your diagnosed paranoid personality that existed at the time of your service was so serious as to excuse you of responsibility for your actions or was sufficiently mitigating to warrant recharacterization. The record shows that although you were diagnosed with a paranoid personality, you were found to be responsible for your behavior. 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 PFETTER
Executive Director