



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No: 01683-11
10 January 2012

[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 5 January 2012. 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 entered active duty in the Navy in 11 April 1983, and served without incident until 16 July 1985, when you were in an unauthorized absence (UA) status for four days. While you were gone, you received a civilian psychiatric evaluation for anxiety and depression. Upon your return to military jurisdiction on 22 July 1985, you underwent a military psychiatric evaluation and were recommended for separation due to your personality disorder and for convenience of the government. Unfortunately, on 11 September 1985, you were convicted by summary court-martial of 29 days of UA that took place from 26 May to 24 June 1985, and of missing ship's movement. You were recommended for separation with an other than honorable discharge (OTH) due to a commission of a serious offense. You subsequently waived your right to counsel and an administrative discharge board (ADB). Therefore, on 21 October 1985, you were separated with an OTH discharge and

an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and claim that you now need medical treatment. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Additionally, the Board found that you waived your procedural right to an ADB, your best opportunity for retention or a better characterization of service. 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