



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

TRG
Docket No: 7321-98
10 September 1999

[REDACTED]

Dear [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 9 September 1999. 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.

The Board found that you enlisted in the Navy on 1 June 1970 at age 17. The record shows that during the period 11 August 1970 to 18 March 1971 you received nonjudicial punishment on two occasions and were convicted by a summary court-martial. Your offenses were five periods of unauthorized totaling about 36 days and an absence from your appointed place of duty.

Based on the foregoing record of misconduct, you were processed for an administrative discharge. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. However, you made a statement to the effect that you had lived in foster homes and an orphanage from age 10, and you quit high school at age 15 and more or less hung around on the streets until you enlisted in the Navy. On 25 May 1971 the discharge authority disapproved the commanding officer's recommendation for an undesirable discharge and directed a general discharge. You received the general discharge on 2 June 1971.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and your contention that your misconduct was caused by

mental illness. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your general discharge given your record of misconduct. There is no evidence in the record, and you have submitted none, to show that you were not responsible for your actions while in the Navy. The documentation you submitted shows that you were first treated for mental illness in 1977, almost six years after your discharge. However, the Board was aware that even if you could establish that you were mentally ill while in the Navy and should have been discharged for that reason, regulations would still require the type of discharge warranted by your service record. In your case, that is a general discharge under honorable conditions. The Board concluded that the discharge was proper as issued and no change is warranted.

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