



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

JRE
Docket No. 03029-03
2 September 2003

[REDACTED]

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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 28 August 2003. 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.

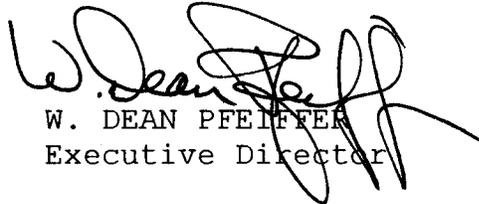
The Board found that you enlisted in the Navy on 13 March 2000. You received nonjudicial punishment on 27 February 2002 for three specifications of disobeying lawful orders. You were discharged by reason of misconduct-commission of a serious offense on 22 March 2002, with a general discharge.

The Board rejected your unsubstantiated contention to the effect that you were you were denied treatment for a mental disorder from which you were suffering prior to your discharge. It was persuaded that you were unfit for duty by reason of physical disability because of a mental disorder or any other condition. It noted that even if you had been unfit, you would not have

been entitled to disability evaluation processing, because a discharge by reason of misconduct take precedence over disability evaluation. In the absence of evidence that demonstrates that you discharge for misconduct was erroneous of unjust, the Board was unable to recommend any corrective action in your case. 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