



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5083-98

13 April 1999

MR. [REDACTED]

Dear Mr. [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 6 April 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 13 November 1985 at age 22. On 16 December 1985, the Defense Investigative Service reported that you had a preservice criminal record. However, for some reason no action was taken at that time. On 10 November 1986 you received nonjudicial punishment for larceny.

An investigation dated 26 March 1987 concluded that you had concealed a preservice felony conviction, and the charges you had made against your recruiter could not be substantiated. On 12 June 1987 you were notified of separation processing by reason of fraudulent enlistment due to your concealment of arrests for indecent exposure, petty theft, burglary and forgery. In connection with this processing you elected to waive your right to have your case heard by an administrative discharge board. On 10 August 1987 the discharge authority directed a general discharge. You were so discharged on 10 August 1987.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention, in effect, that your discharge was improper. The Board found that these factors and contentions were not sufficient to warrant recharacterization of the discharge given

the documentation of record which shows that you fraudulently enlisted. 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