



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

TJR
Docket No: 5767-09
24 May 2010

[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 18 May 2010. 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 on 18 July 1989 at age 18 and began a period of active duty on 21 June 1990. You served without disciplinary incident until 21 June 1991, when you were convicted by summary court-martial (SCM) of a three day period of unauthorized absence (UA) and missing the movement of your ship.

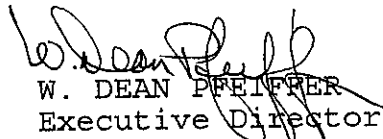
On 4 February 1992 you were again convicted by SCM of a 28 day period of UA. Shortly thereafter, on 21 February 1992, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 9 March 1992, prior to the convening of an ADB, you began another period of UA. Nonetheless, on 25 March 1992, an ADB recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 6 April 1992 your commanding

officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions. The discharge authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 23 April 1992, while in a UA status, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA which resulted in two SCMs. 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 PFEIFFER
Executive Director