



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

JRE  
Docket No: 4220-01  
26 December 2001

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 6 December 2001. 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. In addition, the Board considered the comments of your counsel.

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 6 March 1986. You received nonjudicial punishment on two occasions for multiple offenses, to include failures to obey lawful orders and regulations, using provoking words, communicating threats, assault, resisting apprehension, and being drunk and disorderly. On 8 June 1987, you were discharged under other than honorable conditions by reason of misconduct/commission of a serious offense.

The Board rejected your contention to the effect that your acts of misconduct were the result of attention deficit disorder and learning disabilities. It concluded that in view of your extensive disciplinary record, the absence of significant evidence in extenuation or mitigation thereof, and your limited period of creditable service, your service was appropriately characterized with a discharge under other than honorable conditions. The fact that you would become eligible for additional benefits administered by the Department of Veterans Affairs if your discharge were to be upgraded was considered insufficient to warrant 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