



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

JRE
Docket No: 6554-00
21 September 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 13 September 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.

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 underwent a pre-separation physical examination on 24 February 1988, and were found fit for separation. You indicated that you were in good health at that time, with the exception of slight headaches. You were discharged from the Navy under other than honorable conditions on 2 March 1988, pursuant to your request for discharge in lieu of trial by court-martial for multiple violations of the Uniform Code of Military Justice.

The Board noted that there is no indication in the available records that you were unfit to perform your duties because of a disability which was incurred in or aggravated by your naval service. In addition, it noted that as you were separated because of your own misconduct, you would not have been entitled to disability evaluation processing even if you had been questionably unfit for duty. The Board was not persuaded that your discharge under other than honorable conditions was unjust. In this regard, it concluded that your service was properly characterized, given the serious nature of your misconduct, which included threatening and being disrespectful to a medical officer, disrespect to and disobedience of the orders of masters at arms, and failing to report for urinalysis testing and

a sweeping detail.

In view of the foregoing, 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