



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

WMP  
Docket No: 5204-02  
9 December 2002

[REDACTED]

[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 4 December 2002. 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, 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 24 February 1989 for four years at age 20. The record reflects that between May 1990 to November 1992 you were convicted by civil authorities on nine occasions. The offences were three instances of failure to appear and driving on a suspended license, disorderly conduct, defective equipment, expired registration and vehicle inspection, contempt of court, and trespassing.

Your record further shows that on 10 July 1992, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. The punishment imposed was a forfeiture of \$100 and reduction to paygrade E-3, which was suspended for six months.

Your record further reflects that you were an unauthorized absentee from 14 September to 23 November 1992, a period of 70 days. On 17 September 1992, the suspended reduction to paygrade E-3 from the 10 July 1992 NJP was vacated due to your continued misconduct. A review of record indicates that no other disciplinary action was taken for this period of unauthorized absence.

On 15 October 1992, you were notified that separation action was being initiated by reason of misconduct due to a pattern of misconduct and commission of a serious offense. You were advised of and elected to retain all of your procedural rights on 30 November 1992.

On 10 December 1992, an administrative discharge board (ADB) was convened and found that you had committed misconduct due to a pattern of misconduct, but had not committed misconduct by reason of the commission of a serious offense. The ADB recommended your retention on active duty.

On 22 December 1992 your commanding officer forwarded your discharge package to the Chief of Naval Personnel (CNP), recommending your retention on active duty. On 11 March 1993 CNP approved the commanding officer's recommendation and directed your retention on active duty.

On 5 May 1993, you were honorably released from active duty and transferred to the Naval Reserve and were assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board concluded that your reenlistment code was appropriately assigned based on your extensive record of civilian and military misconduct. Additionally, the Board found that you were fortunate to have been retained and not discharged for misconduct, which the ADB found you had committed. 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