



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

CRS
Docket No: 6722-01
9 September 2002

[REDACTED]

[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 31 July 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, 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 15 September 1989. The record reflects that you received four nonjudicial punishments. The offenses included absence from your appointed place of duty on two occasions, being out of uniform, willful disobedience of a lawful order on two occasions, disrespect on three occasions, and damaging government property.

On 26 October 1991 the commanding officer recommended that you be separated with a general discharge by reason of misconduct due to a pattern of misconduct. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the commanding officer's recommendation for separation was approved, but a discharge under other than honorable conditions was directed. Accordingly, you were discharged on 13 December 1991 with an other than honorable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and

immaturity, and the letters of reference you submitted. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge or a change in the reason for discharge, given your four disciplinary actions during an enlistment that lasted about 27 months. Therefore, the Board concluded that no change to the discharge 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