



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

RDZ:ecb
Docket No. 10823-07
18 April 2008

[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 15 April 2008. 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.

You enlisted in the Navy on 5 December 1991 at age 19. On 28 January 1993 you received non-judicial punishment (NJP) for 23 hours of unauthorized absence for which you forfeited \$407, which was suspended, and 30 days of restriction and extra duty. On 2 April 1993 you received a second NJP for failure to go to your appointed place of duty and failure to obey a lawful order. On 13 May 1993 you received your third NJP for cheating on a basic damage control test.


Based on your record of misconduct you were informed that you would be processed for administrative discharge under other than honorable conditions (OTH). You then waived your right to an administrative discharge board (ADB) where you could have argued for retention or a better discharge. On 18 June 1993 you received an OTH discharge.

In view of your repeated acts of misconduct and your waiver to a hearing the Board concluded that you were properly issued an OTH discharge and there is no basis to change it now.

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