



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

TRG
Docket No: 1055-08
23 September 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 23 September 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 Naval Reserve on 4 September 1986 at age 19 and reported for three years of active duty. During the period from 28 May 1987 to 1 December 1988, you received nonjudicial punishment on five occasions. Your offenses were fraudulent enlistment, assault, multiple short periods of unauthorized absence, breaking restriction, disobedience, disorderly conduct, and leaving your duty station with intent to abandon. A special court-martial convened in July 1989 and convicted you of using cocaine. The sentence of the court included a bad conduct discharge. Upon completion of confinement you began appellate leave and you remained in that status until the bad conduct discharge was issued on 21 June 1990.

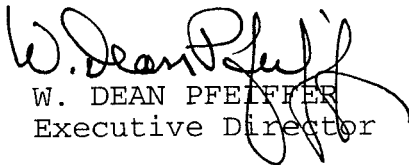
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that you suffered from depression which led to your misconduct.

There is no documentation in the record and you have submitted none to show that you were not responsible for your actions while in the Navy. Therefore, the Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your extensive disciplinary record. The Board concluded that the discharge was proper as issued and no change 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