



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

SJN  
Docket No: 03688-08  
2 April 2009

[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 31 March 2009. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 4 December 1989 at age 20. During the period from 27 September 1990 to 11 July 1991, you received three nonjudicial punishments (NJPs) for three specifications of disrespect, two instances of disobedience, three instances of absence from your appointed place of duty, dereliction of duty, five specifications of false official statements, two brief periods of unauthorized absence, and failure to go to your appointed place of duty. Additionally, after your second NJP, you were counseled and warned that further misconduct could result in administrative discharge action.

On 15 July 1991, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB).

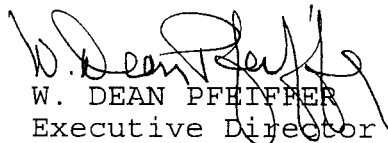
On 26 July 1991, an ADB unanimously found that you had committed misconduct due to a pattern of misconduct, and recommended discharge under other than honorable conditions. On 6 August 1991, your commanding officer concurred with the ADB and

forwarded your case to the discharge authority for review. On 28 August 1991, the discharge authority directed an other than honorable (OTH) discharge by reason of misconduct due to a pattern of misconduct. However, On 3 September 1991, you received a fourth NJP for destruction of military property and drunk and disorderly conduct. On 20 September 1991 you received the OTH.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of four NJP's, one of which was imposed after you were counseled and warned concerning the consequences of further misconduct, and one after you had been notified of your pending separation. 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