



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

CRS
Docket No: 3741-09
26 January 2010

[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 21 January 2010. 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 reenlisted in the Navy on 31 October 1990. On 30 July 1991 you were convicted by civil authorities of driving under the influence and sentenced to confinement for 60 days, suspension of your driving privileges for six months, and a fine of \$250.00.

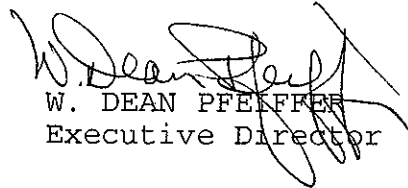
On 3 September 1991 your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to civil conviction. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 12 September 1991 with a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the contention that you were never convicted. The Board found those factors insufficient to warrant recharacterization of your discharge, given the nature of your offense. 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 PFEFFER
Executive Director