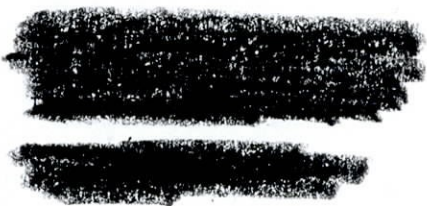




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SJN  
Docket No: 04481-09  
19 April 2010



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 13 April 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

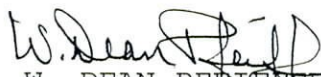
You enlisted in the Navy and began a period of active duty on 1 September 1987 at age 18. On 24 November 1991 and 16 April 1992, you received nonjudicial punishment (NJP) for disobedience, provoking speech, drunk and disorderly conduct, disrespect, insubordinate conduct, and driving under the influence. On 19 May 1992, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You then waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 27 May 1992, your commanding officer forwarded your case to the separation authority recommending that you receive an other than honorable discharge. On 3 June 1992, the separation authority directed an other than honorable discharge by reason of misconduct due to commission of a serious offense. You were so discharged on 10 June 1992.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your

discharge given your two NJP's for serious offenses. Further, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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