



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

TJR
Docket No: 4731-09
13 April 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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. The names and votes of the members of the panel will be furnished upon request. 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 reenlisted in the Navy on 4 May 1984 after four years of prior honorable service. You continued to serve without disciplinary infraction until 25 November 1985, at which time you were apprehended by civil authorities on charges of domestic violence and resisting arrest. Shortly thereafter, on 6 December 1985, you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty.

During the period from 30 July to 18 September 1986 you received NJP on two more occasions for dereliction of duty and failure to pay just debts. You were also convicted by civil authorities of unlawful issuance of bank checks. Subsequently, you were processed for an administrative separation action by reason of misconduct due to a pattern of misconduct and commission of a serious offense. The discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 5 February 1987, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in three NJPs and a civil conviction. Accordingly, your application has been denied.

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