



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

TAL
Docket No: 10703-09
3 September 2010

[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 4 August 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.

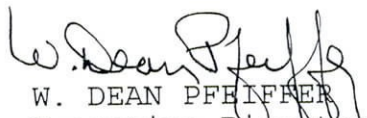
The Board found that you were promoted to Commander (pay grade O-5) in October 2000 and recalled to active duty in February 2001. You were notified of pending administrative action to detach you for cause, and remove you from active duty. It was alleged that you were unable to take orders and complete minor tasks. It was also alleged that you violated classified material storage procedures, interfered in classified projects which you were not assigned, and disclosed classified material. Also allegedly your personal tax liens and credit obligations amounted to tens of thousands of dollars. You elected to have your case considered by a board of inquiry (BOI). Based on the information currently contained in your record it appears that the BOI met and found by vote of 3 to 0, that you had committed professional dereliction and substandard performance of duty and recommended that you be separated. On 26 July 2006, the Deputy Chief of Naval Operations concurred with the BOI's recommendations that you be separated from the naval service with an honorable discharge, with a separation code GNC (unacceptable conduct). At age 60, you are to be placed in the Retired Reserve with pay, as a former member in the paygrade of O-4 (lieutenant commander).

On 27 March 2007, the Commander, Navy Personnel Command, by authority of the Secretary of the Navy acting for the President, discharged you from the Navy effective 1 September 2006 with an honorable discharge and a separation code of GNC (unacceptable conduct).

The Board, in its review of your application, carefully weighed all potentially mitigating factors such as your 25 years of service and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant showing that you were not reduced in grade for retirement purposes, setting aside your discharge or removing the BOI's findings from your records due to your substandard performance. 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