



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

CRS
Docket No: 101-10
28 January 2011

[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 15 December 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 enlisted in the Navy on 8 August 1983. A special court-martial convened on 19 June 1989 and found you guilty of failure to go to appointed place of duty, disrespect, use of reproachful gestures, communicating a threat, and failure to obey a lawful order. You received nonjudicial punishment on 23 June 1989 for an unauthorized absence of four days.

On 25 July 1989 your commanding officer recommended that you be separated from the Navy by reason of misconduct/commission of a serious offense, with a discharge under other than honorable conditions. On 22 August 1989 the Assistant Secretary of the Navy for Manpower and Reserve Affairs approved the recommendation and directed that you be discharged by reason of misconduct. You were discharged on 1 September 1989.

In its review of your application, the Board carefully considered your contention to the effect that you were discharged due to your failure to take an anthrax shot, but found it unsubstantiated and insufficient to warrant the approval of your

request for corrective action. 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