



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

BAN
Docket No: 00373-10
20 September 2010

[REDACTED]

Dear [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 14 September 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.

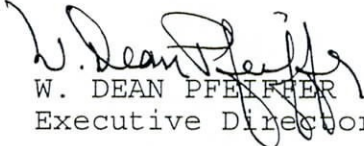
You entered active duty in the Navy on 20 September 1984, and served without disciplinary incident until 26 June 1985, when you received nonjudicial punishment (NJP) for failure to obey a lawful order. Shortly thereafter, you received the following disciplinary actions: on 23 October 1985, you received NJP for assault; on 30 December 1985, you received NJP for drunk and disorderly conduct; on 2 July 1986, you received another NJP for drunk and disorderly conduct; on 20 February 1987, you received NJP for an unauthorized absence (UA); and on 4 January 1987, you were convicted at a summary court-martial of three specifications of UA, and resisting arrest. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to a pattern of misconduct. You waived your rights to consult with counsel and request an administrative discharge board (ADB). The separation authority approved the recommendation and on 24

February 1987, you were separated with an OTH discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the frequency of your misconduct. Additionally, the Board found that you waived your procedural right to an ADB, your best opportunity 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