



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

CRS
Docket No: 475-10
19 April 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 30 March 2011. 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 initially enlisted in the Navy on 6 February 1989. On 14 December 2006 you were diagnosed with alcohol dependency, and on 12 January 2007 you received nonjudicial punishment for drunk driving. The punishment for that offense consisted of forfeitures of \$1438.00 per month for two months, restriction and extra duty for 45 days, and reduction to HT2 (E-5).


On 5 March 2007 an administrative discharge board recommended that you be separated from the Navy by reason of misconduct/commission of a serious offense, with a general discharge. After review by the discharge authority, the recommendation for separation was approved and on 16 July 2007 you were separated with a general discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your family problems, good post service conduct, and overall record of service. The Board concluded that those factors were insufficient to warrant

your reinstatement in the Navy. In addition, as you have not established that your reduction to pay grade E-5 was erroneous or unjust, the Board was not persuaded that it would be in the interest of justice to correct your record to show that you were discharged in grade of E-6 vice E-5. 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