



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

REC  
Docket No: 00499-10  
22 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 22 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 enlisted in the Navy and began a period of active duty on 1 March 1973, at age 18. You served honorably until 15 May 2008, when you received nonjudicial punishment (NJP) for making a false official statement and providing false documents regarding your dependent status and their location. You were awarded reduction in pay grade to E-5. On 22 May 2008, the Bureau of Naval Personnel still authorized you to be transferred to the Fleet Reserve in pay grade E-5. On 31 May 2008, you were authorized to retire honorably from active duty.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a reinstatement in your pay grade, given your record of NJP for misconduct. The Board believed that you were fortunate to be allowed to retire, because Sailors who have committed misconduct such as yours are normally administratively separated under other than honorable condition and denied retirement benefits. 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