



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

TAL
Docket No: 784-10
19 October 2010

[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 14 October 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 22 May 1986 at age 22. You received nonjudicial punishment (NJP) on two occasions for disobeying a lawful general regulation, aggravated assault and wrongful use of marijuana. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 7 July 1988 an ADB found that you had committed misconduct and recommended discharge under OTH conditions by reason of misconduct due to commission of a serious offense. Your commanding officer concurred with the decision of the ADB and forwarded the recommendation to the separation authority. On 3 August 1988, you again received NJP for wrongful use of marijuana. On 30 August 1988 the separation authority approved and directed your discharge. On 14 September 1988, you received the OTH discharge for misconduct due to commission of a serious offense.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that

these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in three NJPs. 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