



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

RDZ:ecb  
Docket No. 07966-10  
17 September 2010

[REDACTED]

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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 9 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

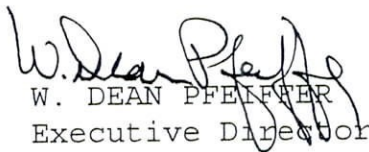
You enlisted in the Navy on 8 August 2000 for a term of four years. Unfortunately after a little more than one year of creditable service you received an other than honorable discharge (OTH) due to misconduct. More specifically between May and August of 2001 you received nonjudicial punishment on three occasions. Your offenses were unauthorized absences of 52 days, 2 days, 1 day, 12 days, three instances of missing movement and failure to obey an order. When you were informed that you were being recommended for an OTH you waived your right to a hearing where with the assistance of a military lawyer you could have requested retention or a better discharge. Consequently you were issued an OTH on 28 August 2001.

The Board concluded that in view of your frequent acts of misconduct, some of which were also serious, as well as your willingness to accept an OTH rather than try to serve out your enlistment your discharge was both legally and equitably proper and should not be changed now as a matter of clemency.

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