



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

SJN

Docket No: 01034-11

9 November 2011

[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 8 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

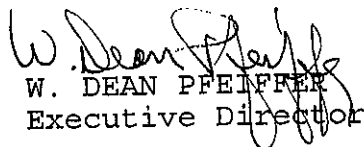
You enlisted in the Navy and began a period of active duty on 24 August 2000. The Board found that on 10 March 2004, you were convicted by civil authorities of wrongfully taking items from an agreed area without declaration, failing to obey and endangering and Icelandic police officer, and driving without a proper license. On 24 October 2004, you received nonjudicial punishment (NJP) for unauthorized absence. You received a reduction in paygrade and a forfeiture of pay. On 16 November 2004, your request for an "early out" was approved and it was directed to discharge you due to "reduction in force". However, on 2 December 2004, you committed your second customs violation by attempting to smuggle a number of items. When told to pull into the designated customs area for inspection of your vehicle, you immediately accelerated your vehicle nearly hitting personnel. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your

case was forwarded stating, in part, that in light of your multiple customs violations and NJP, you had become an administrative and disciplinary burden and had failed at being an ambassador for the Navy. You received a general discharge on 1 June 2005.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge given your NJP and civil conviction for serious offenses. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Finally, the Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. 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