



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

SJN
Docket No: 02245-11
11 October 2011

[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 4 October 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.

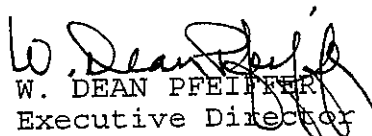
You enlisted in the Navy and began a period of active duty on 25 October 1990. The Board found that you served without incident for over 17 years, until 26 September 2008, when you were convicted by special court-martial (SPCM) of four specifications of making a false official statement. You were sentenced to a suspended forfeiture of pay, and 89 days of confinement. Subsequently, although you did not receive a punitive discharge, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 12 February 2009, the ADB unanimously recommended separation with an other than honorable (OTH) discharge by reason of misconduct due to commission of a serious offense. On 27 February 2009, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged to the Chief of Naval Personnel. On 12 June 2009, the discharge authority directed an OTH discharge by reason of misconduct due to commission of a serious offense. On 18 June 2009 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall prior honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant setting aside your discharge given your conviction by SPCM of a very serious offense. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider whether to upgrade your discharge or change the reason for separation because you have not exhausted your administrative remedy of applying to the Naval Discharge Review Board (NDRB). You may apply to NDRB by submitting the attached DD Form 293.

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