



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 3410-11
23 January 2012



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 18 January 2012. The names and votes of the members of the panel will be furnished upon request. 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 Naval Reserve on 16 August 1986 at age 18 and began a period of active duty. You served for about a year and six months without disciplinary incident. However, during the period from 11 February to 10 June 1988 you received nonjudicial punishment (NJP) on five occasions for two periods of absence from your appointed place of duty, two specifications of failure to obey a lawful order, and six periods of failure to go to your appointed place of duty. You were also convicted by civil authorities of driving under the influence of alcohol, driving with a high blood alcohol count (BAC), and driving with an out of class license.

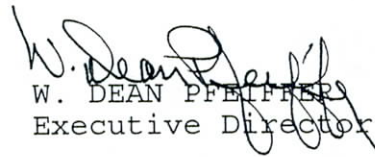
Subsequently, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB), on 7 October 1988, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due

to a pattern of misconduct. On 7 October 1988 you received your sixth NJP for wrongful use of amphetamines/methamphetamines. The discharge authority approved the foregoing recommendation and directed separation under other than honorable conditions by reason of misconduct and on 26 October 1988, you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade the characterization of your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, which resulted in six NJPs and a conviction by civil authorities. Accordingly, your application has been denied.

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