



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

SJN
Docket No: 03870-11
15 February 2012



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 February 2012. 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.

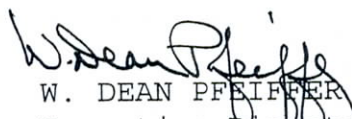
You enlisted in the Navy and began a period of active duty on 7 April 1993. The Board found that on 24 February 1994, you were counseled with regard to being absent from your appointed place of duty, and warned that further misconduct could result in administrative discharge action. On 12 August 1994, you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA). On 15 September and 19 September 1994, you received NJP for UA and sleeping on watch. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 31 October 1994, the ADB recommended separation with an other than honorable (OTH) discharge by reason of misconduct due to a pattern of misconduct. On 9 November 1994, your commanding officer concurred with the ADB's finding and forwarded his

recommendation that you be discharged. On 23 November 1994, the separation authority directed an OTH discharge by reason of misconduct. On 30 November 1994 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and belief that your characterization of service would automatically be upgraded after six months. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's, and the fact that you were counseled and warned before your first NJP of the consequences of further misconduct. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization automatically after six months or due solely to the passage of time. 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