



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

REC
Docket No: 06155-11
1 March 2012

[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 29 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.

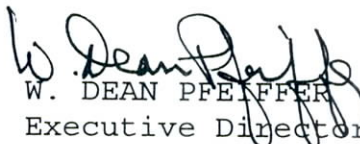
You reenlisted in the Navy on 17 July 1985, after serving honorably for over three years. On 18 April 1990, you were convicted by a special court-martial (SPCM) of two incidents of wrongfully communicating a threat. You were sentenced to a forfeiture of \$500. On 18 September 1990, you were convicted by your second SPCM of being in an unauthorized absence (UA) status for 76 days, disobeying a lawful order, and wrongfully using methamphetamines. You were sentenced to a forfeiture of \$1,446, reduction in pay grade, confinement at hard labor for 75 days, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 9 October 1991, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service. Nevertheless, the Board found that these factors were

not sufficient to warrant recharacterization of your discharge given your record of convictions by two SPCM's of serious offenses. 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