



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

TAL
Docket No: 280-13
13 December 2013



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 4 December 2013. 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 16 March 1993 at age 22. You received nonjudicial punishment (NJP) on three occasions for failure to go to your appointed place of duty, drunk and disorderly conduct, two instances of drunken and reckless driving, two instances of failure to obey a lawful order, and wrongful possession of two military identification cards. After your second NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 11 October 1995, you were notified of pending administrative discharge processing with an other than honorable due to misconduct. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 12 December 1995, an

ADB recommended that you be separated with a general discharge due to misconduct. Subsequently, your commanding officer concurred with the ADB and on 15 March 1996, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of the misconduct that resulted in three NJPs. The Board also believed that you were fortunate to receive a general discharge since a characterization under other than honorable conditions is often directed when a Sailor is separated for misconduct. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service 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