



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

HD:hd
Docket No: 00994-98
12 April 1999

LT [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Lieutenant [REDACTED]

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 8 April 1999. 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. In addition, the Board considered the advisory opinion furnished by the Bureau of Naval Personnel dated 23 March 1998, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure

994-98



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO
23 Mar 98

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (PERS-00X)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF LIEUTENANT
[REDACTED] USN, [REDACTED]

Ref: (a) Naval Military Personnel Manual

1. In accordance with reference (a), Article 3410100, reckless driving convictions are permanently filed in the official records of officers.
2. This is a matter of policy, however there is no legal impediment to bar such findings. Generally, conduct which bears upon an officer's overall qualification or fitness as an officer may become part of his official service record. UCMJ Article 111 provides that persons convicted of drunk or reckless driving may receive a punitive discharge.
3. In light of the above, a civilian criminal conviction of reckless driving, whether "wet", "dry" or as a result of a plea bargain from DUI, may be analogous to the UCMJ offense and may be filed in an officer's service record.

[REDACTED]

Lieutenant Commander, U.S. Navy
Head, Officer Performance Branch