



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1232-99

30 June 1999

[REDACTED]

Dear [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 30 June 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.

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.

The Board found that you enlisted in the Navy on 16 August 1988 at age 17. The record shows that you received nonjudicial punishment on 1 May 1991 for larceny and wrongful appropriation. On 17 July 1992, apparently while you were being considered for disciplinary action, you extended your enlistment for a period of one month. Four days later, you were convicted by a summary court-martial of conspiracy and larceny. These charges resulted from the discovery that you were using your position as a disbursing clerk to receive kickbacks from making improper payments to others. The court sentenced you to reduction to pay grade E-1, forfeiture of \$533 pay, and 14 days confinement at hard labor.

Based on the foregoing record of misconduct you were processed for an administrative discharge. An administrative discharge board met on 14 September 1992 recommended that you be discharged for misconduct with a discharge under other than honorable conditions. After review by the discharge authority this recommendation was approved. You were discharged under other than honorable conditions on 27 September 1992.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth, period of good service and your contention that you have been a good citizen for several years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your serious offenses. The Board concluded that the discharge was proper as issued and no change is warranted.

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