



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 772-01
11 June 2001

[REDACTED]

Dear [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 30 May 2001. 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 reenlisted in the Navy on 18 December 1991 after about ten years of prior active service. On 21 June 1995 the Family Advocacy Program substantiated charges of spouse abuse against you. Subsequently, you received nonjudicial punishment for failure to obey a lawful order on two occasions. On 15 August 1997 you were convicted by civil authorities of second degree child abuse. The court sentenced you to suspended confinement for three years and probation for one year.

On 15 January 1998 an administrative discharge board recommended that you be separated with a general discharge by reason of misconduct due to commission of a serious offense and civil conviction. After review by the discharge authority, the recommendation for separation was approved, but an honorable discharge was directed. On 17 February 1998, you were so discharged with an RE-4 reenlistment code. At that time, you had slightly more than 16 years of service.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your current ineligibility for reenlistment. However, the Board concluded that these factors were not sufficient to warrant a correction to your record to make you eligible for retirement, given the seriousness of your offenses. Therefore, the Board concluded that no change to the discharge 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