



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

TJR  
Docket No: 6248-01  
27 December 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 19 December 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Naval Reserve on 16 July 1987 after two years of prior honorable service. Your record reflects that on 18 December 1987 you received nonjudicial punishment (NJP) for wrongful use and possession of an unauthorized identification card and making a false official statement. The punishment imposed was restriction and extra duty for 14 days and a suspended reduction in rate.

On 5 January 1988, after being referred for a psychiatric evaluation for suicidal ideation, you were diagnosed with poly drug abuse, alcohol abuse, and a personality disorder. On 27 January 1988 you received NJP for wrongful consumption of alcohol beverages as a minor and were awarded restriction and extra duty for 14 days and reduction to paygrade E-1.

On 3 February 1988 you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. You then elected to present your case to an administrative discharge board (ADB) and submit a statement in rebuttal to the separation. On 25 May 1988 an ADB met to

consider your case. At the ADB, you were represented by military counsel. After considering all the evidence, the ADB recommended you be issued a general discharge by reason of misconduct due to commission of a serious offense. On 1 March 1988 your commanding officer also recommended a general discharge by reason of misconduct. On 25 March 1988 the discharge authority approved the foregoing recommendations and directed a general discharge by reason of misconduct, and on 13 May 1988 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, good post service conduct and your contention that had you received proper legal representation, you would not have received a general discharge or an RE-4 reenlistment code. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge or a change of the reenlistment code because of the serious nature of your misconduct. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contention. In fact, the record reflects that you exercised your right to an ADB, and were represented by military counsel. Given all the circumstances of your case, the Board concluded your 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