



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

TJR  
Docket No: 7237-00  
11 April 2001



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 4 April 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 enlisted in the Navy on 25 June 1997 at the age of 19. Your record reflects that you served for nearly a year without disciplinary incident but on 13 April 1998 you received nonjudicial punishment (NJP) for four specifications of failure to go to your appointed place of duty and a three day period of unauthorized absence (UA). The punishment imposed was confinement on bread and water for three days, a \$463 forfeiture of pay, and reduction to paygrade E-1. Shortly thereafter, on 30 July 1998, you received NJP for a 10 day period of UA and missing the movement of your ship. The punishment imposed was a \$926 forfeiture of pay.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due a pattern of misconduct. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board or to submit a statement in rebuttal to the discharge. On 7 August 1998 your commanding officer recommended an other than honorable discharge by reason of misconduct. The

discharge authority directed an other than honorable discharge by reason of misconduct due to commission of a serious offense. On 17 October 1998 you were so discharged with an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and the character reference letters submitted in support of your case. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your reenlistment code given the serious nature of your misconduct, which resulted in two NJPs in about a year of service. Given all the circumstances of your case, the Board concluded your discharge and reenlistment code were 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