



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

TRG
Docket No: 10608-02
9 May 2003

[REDACTED]

[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 6 May 2003. 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.

You enlisted in the Naval Reserve on 12 January 1985 at age 17 and reported for three years of active duty on 29 January 1987. On 24 April 1987 you received nonjudicial punishment for the theft of 253 pills from a hospital clinic and soliciting another servicemember to pose for nude homosexual photographs.

Based on those offenses, you were processed for an administrative discharge. In connection with that processing, you elected to waive the right to have your case heard by an administrative discharge board. After review the discharge authority directed discharge for misconduct with a discharge under other than honorable conditions. You were so discharged on 15 June 1987.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire for a better discharge. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your theft of pills and other misconduct. 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