



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

JRE  
Docket No. 01129-07  
4 February 2008

[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 25 January 2008. 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 served in the Navy from 29 April 1996 to 11 January 1997, when you were discharged under other than honorable conditions by reason of misconduct due to the commission of a serious offense. Although you had been admitted to a Department of Veterans Affairs medical facility during November 1996 for treatment of a mental disorder, your symptoms resolved and you were considered physically qualified for discharge by the Navy physician who conducted your pre-

separation physical examination. You would not have been entitled to disability separation or retirement in any event, because a discharge by reason of misconduct takes precedence over disability processing.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

As you have not exhausted an available administrative remedy by applying to the Naval Discharge Review Board, the Board did not consider your request for recharacterization of your discharge.

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