



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

TJR
Docket No: 2961-07
11 February 2008

[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 5 February 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 16 July 1985 at age 18 and served for nearly three years without disciplinary incident. However, during the period from 26 April to 25 July 1988, you received NJP on three occasions for absence from your appointed place of duty, two periods of unauthorized absence (UA) totalling 12 days, and missing the movement of your ship.

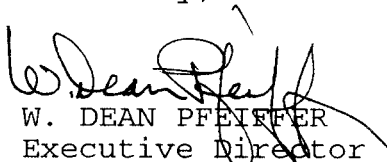
Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern or misconduct. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 26 July 1988 your commanding officer recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 5 August 1988 the discharge authority directed separation under other than honorable conditions by reason of misconduct, and on 12 August 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 youth, post service conduct, and desire to upgrade your discharge so that you may obtain veterans' benefits. It also considered your real estate certificate. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in three NJPs. Further, the Board noted that you were given an opportunity to defend yourself against these charges, but waived your right to present your case to an ADB. 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