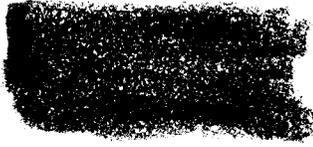




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 06237-07
29 April 2008



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 23 April 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 25 July 1988 at age 18. During the period from 13 March to 25 May 1990, you were convicted by summary court-martial (SCM) of 46 days of unauthorized absence (UA), and received nonjudicial punishment (NJP) for two specifications of destruction of property.

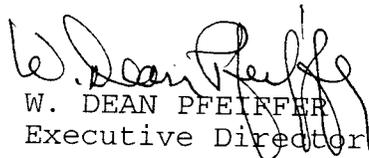
On 28 May 1990, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You then waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). You elected only to obtain copies of documents supporting the basis for separation.

On 7 June 1990, your commanding officer recommended discharge by reason of misconduct, with a characterization of service of under other than honorable conditions. On 12 June 1990, the discharge authority directed an other than honorable discharge by reason of misconduct.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service and the reasons you stated that caused your misconduct. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your NJP and SCM conviction for serious offenses. Further, you waived the right to an ADB, your best chance for retention or a better characterization of service. 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