



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

TJR
Docket No: 8188-07
9 October 2008

[REDACTED]

[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 8 October 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 Naval Reserve on 15 January 1987 at age 17 and began a period of active duty on 14 September 1987. Your student evaluation record reflects that during the period from 16 December 1987 to 23 August 1988 you committed multiple disciplinary infractions. However, the record also reflects that no disciplinary action was taken for this misconduct.

On 18 August 1988 you received nonjudicial punishment (NJP) for five periods of absence from your appointed place of duty and were awarded a \$670 forfeiture of pay and restriction and extra duty for 45 days. About two months later, on 24 October 1988, you were convicted by summary court-martial (SCM) of four specifications of failure to obey a lawful order and breaking restriction. You were sentenced to confinement for 20 days and a \$447 forfeiture of pay.

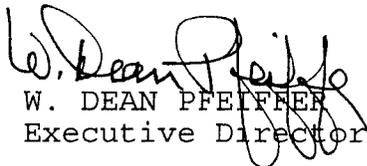
Subsequently, on 10 January 1989, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 21 March 1989 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 19 April 1989 your commanding officer also recommended an other than honorable discharge by reason of misconduct due to commission of a serious offense. On 24 May 1989 the discharge authority approved these recommendations, and on 26 May 1989, 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 and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct. 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