



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

TJR
Docket No: 9379-07
6 November 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 November 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 31 July 2000 at age 19 and served without disciplinary incident until you were convicted by civil authorities of driving under the influence of alcohol. You were sentenced to a \$250 fine, confinement for 90 days, and a suspended license for 12 months. On 1 January and again on 8 May 2001 you received nonjudicial punishment (NJP) for absence from your appointed place of duty, underage drinking, and uttering worthless checks in the amount of \$1,025.58.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel you waived your right to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under honorable conditions by reason of misconduct due to a pattern of misconduct. The discharge authority approved this recommendation and directed a general discharge by reason of misconduct, and on 25 May 2001 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 reenlist in the Navy. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of your repetitive misconduct in both the military and civilian communities. 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