



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

TRG
Docket No: 9589-07
24 June 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 10 June 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.

You reenlisted in the Navy on 21 March 1984 after more than nine years of honorable service in two prior enlistments. On 16 June 1984 you were advanced to petty officer first class. Subsequently, you were counseled concerning financial irresponsibility. On 25 July 1986 you received nonjudicial punishment for theft of government property from a Marine Corps Exchange cash register and failure to go to your appointed place of duty.

Based on the foregoing record of misconduct, you were processed for an administrative discharge. Although the discharge processing documentation is not filed in your record, the Board presumed that you elected to waive the right to have your case heard by an administrative discharge board. On 1 October 1986 the discharge authority directed discharge under other than honorable conditions. However, on 2 October 1986 you received nonjudicial punishment for use of a controlled substance and a two day period of unauthorized absence. On 3 October 1986 you were discharged under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your periods of honorable service and the documentation you submitted showing that you

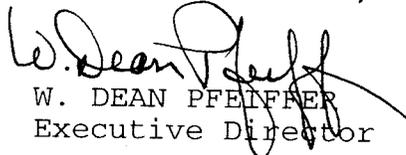
became a college graduate in 2005 which suggests that you have been a good citizen for many years. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of serious misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

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

The Board believes that you may be eligible for veterans' benefits based on your period of honorable service. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs.

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