



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

SJN
Docket No: 09728-07
21 November 2008

[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 19 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 and began a period of active duty on 11 December 1989 at age 21. You served without incident until 25 February 1992, when you were convicted by a special court-martial (SPCM) of wrongfully and unlawfully uttering checks without sufficient funds totaling over \$3,000.

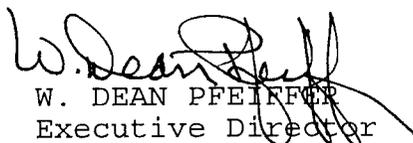
On 1 May 1992, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB).

On 26 May 1992, your commanding officer recommended discharge by reason of misconduct, with a characterization of service of under other than honorable conditions. On 26 June 1992 the discharge authority directed an other than honorable discharge by reason of misconduct.

The Board, in its review of your 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 SPCM conviction for a very serious offense. 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