



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

RDZ:ecb
Docket No. 10261-07
30 July 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 22 July 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 enlisted in the Navy on 23 July 1986 at age 18. On 20 May 1988 you received nonjudicial punishment (NJP) for theft of three bottles of perfume. You were reduced in rank, ordered to forfeit \$376 for two months, ordered to be restricted and to perform extra duty for 25 days and you were warned that further misconduct could result in administrative separation with an other than honorable (OTH) discharge. On 28 March 1989 you received your second NJP for theft of an ATM card and assaulting a petty officer. Because of these disciplinary infractions you

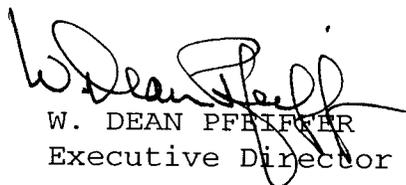
appeared before an administrative discharge board (ADB). Although the ADB found that you had committed serious misconduct it decided not to discharge you and gave you one more opportunity to complete your enlistment in an honorable manner. Unfortunately you failed to take advantage of this opportunity by your continued misconduct. Specifically you received your third NJP on 14 December 1989 for theft of a leather jacket, two barber clippers, two hair cutting shears and carrying a concealed pistol. Consequently your commanding officer recommended you for an OTH discharge. On 20 December 1989 you waived your right to an ADB and agreed to accept an OTH discharge which you received on 31 January 1990.

In its review of your application the Board carefully took into account all matters in extenuation and mitigation such as your youth at the time you committed your offenses as well as the letters you attached to your application attesting to your post service conduct. Nevertheless in view of your repeated acts of serious misconduct which occurred after several warnings of the consequences of such actions, the Board concluded that your discharge was proper as issued and should not be changed now as a matter of clemency.

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