



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

TRG
Docket No: 10914-07
13 August 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 5 August 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 1 February 1988 at age 21. During the period from 27 April 1989 to 1 December 1989, you received nonjudicial punishment (NJP) on three occasions. Your offenses were three periods of unauthorized absence totaling about 13 days. Based on this record of misconduct you were processed for an administrative discharge by reason of a pattern of misconduct. An administrative discharge board (ADB) met on 3 April 1990 and found that you had committed misconduct which warranted discharge. However, the majority of the ADB recommended that you receive a general discharge.

On 5 April 1990 you received your fourth NJP for an unauthorized absence of about 16 days, missing movement and larceny. On 25 April 1990, your commanding officer recommended that you receive a discharge under other than honorable conditions. After review, the discharge authority noted that this was inappropriate since the majority of the ADB had recommended a general discharge. However, since you had committed additional misconduct the command was authorized to again process you for an administrative discharge. On 8 May 1990 you received your fifth NJP for a short period of unauthorized absence and use of drugs.

On 8 May 1990 you were again notified of separation processing by reason of misconduct. In connection with this processing, you

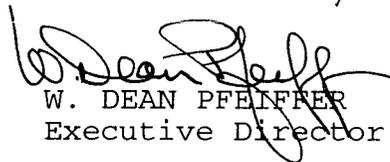
elected to waive the right to have your case heard by an ADB. After review, the separation authority directed discharge under other than honorable conditions and you were so discharged on 12 May 1990.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire for recharacterization of your discharge so that you can receive veterans' benefits. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your extensive disciplinary record and especially your serious misconduct after your initial processing for an administrative discharge. 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.

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