



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

TJR
Docket No: 11198-07
14 November 2008

[REDACTED]

[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 13 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 25 August 1989 at age 19 and served without disciplinary incident until 10 December 1991, when you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty, disrespect, and two specifications of disobedience. The punishment imposed was restriction and extra duty for 30 days, a \$200 forfeiture of pay, and reduction to paygrade E-2, which was suspended for six months. However, in January 1992, the suspended punishment was vacated due to your continued misconduct, and on 31 January and again on 18 February 1992 you received NJP for five periods of failure to go to your appointed place of duty, two specifications of dereliction of duty, and wrongful use of marijuana.

On 20 February 1992 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and commission of a serious offense as evidenced by drug abuse. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 26 February 1992 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of

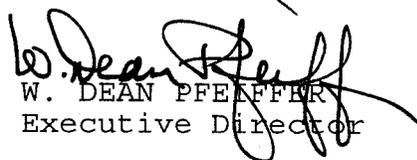
misconduct. On 12 March 1992 your commanding officer, in concurrence with the ADB, also recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 28 March 1992 1985 the discharge authority approved these recommendations, and on 8 April 1992 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that your discharge was unjust because of the death of your twin and time to mourn his death was not taken into consideration. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in three NJPs and included drug abuse. Finally, there is no evidence in the record, and you submitted none, to support your assertion. 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