



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

TRG
Docket No: 225-08
19 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 19 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 18 June 1987 one month prior to your 18th birthday. During the period from 6 August 1987 to 31 March 1989, you were convicted by a summary court-martial and received nonjudicial punishment on two occasions. Your offenses were theft, destruction of a lock, disobedience on two occasions and an unauthorized absence of about 34 days. On 2 June 1989, you were convicted by a special court-martial of assault, escape from correctional custody, breaking restriction and an unauthorized absence of about one day. The court sentenced you to confinement at hard labor for 60 days, forfeitures of pay and a bad conduct discharge. The bad conduct discharge was issued on 31 May 1990 upon completion of appellate review of your court-martial conviction.

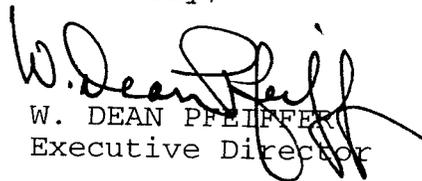
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention, in effect, that you were mentally ill when you enlisted in the Navy and when you committed the offenses which led to your discharge. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your record of misconduct. There is no evidence in your record and you have submitted none which would show that you were not responsible for your actions or were

incompetent to stand trial for your offenses. The Board believed that if it was obvious that you were mentally ill your defense counsel would have raised that issue during your court-martial. 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