



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

TRG  
Docket No: 237-08  
22 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 26 September 1989 at age 18. The record shows that you completed initial training and on 15 January 1990 reported to your first duty station. Apparently shortly after reporting for duty you slipped and injured your back. In February 1990 you were an unauthorized absentee for about one day for which there is no disciplinary action in the record.

In April 1990 a medical board essentially concluded that no specific basis for your back pain could be found and that the maximum benefits of outpatient therapy had been obtained. It was noted that you were unable to lift more than five pounds, walk more than a quarter of a mile, or perform your physical readiness testing. The diagnosis was "mechanical low back pain, conservatively treated." The medical board recommended that your case be referred to the Central Physical Evaluation Board for adjudication.

During the period from 16 May 1990 to 27 August 1990 you were an unauthorized absentee on two occasions totaling about 101 days. On 4 October 1990 you were notified of discharge processing by reason of misconduct. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. After review, the separation

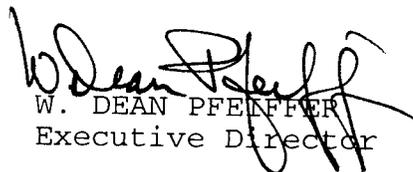
authority directed discharge under other than honorable conditions and you were so discharged on 8 January 1991.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and the documented problem with your back. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of misconduct and your apparent desire for discharge regardless of the consequences. 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