



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

BAN
Docket No: 00259-08
14 August 2008

[REDACTED]

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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 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 29 July 1985, and served without disciplinary incident until November 1985, when you received nonjudicial punishment (NJP) for disobeying a lawful order and wrongful possession of a fire seal.

Shortly thereafter, you received the following disciplinary actions: In October 1986, an NJP for unauthorized absence (UA), in May 1987, another NJP for being UA again, and in September 1987, an NJP for UA and for disobeying a lawful order.

On 25 September 1987, you were notified of your processing for administrative separation due to misconduct. You were advised of your rights, however, you elected not to consult with counsel. You were recommended for discharge under other than honorable (UOTH) conditions due to a pattern of misconduct. On 5 October

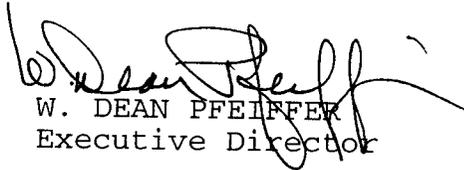
1987, the discharge authority approved these recommendations and directed a discharge under other than honorable conditions with an RE-4 reenlistment code. In addition, in October 1987, you were awarded another NJP for being UA while being processed for separation. Finally, on 20 October 1987, you received a UOTH discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant re-characterization of your discharge because of the seriousness of your misconduct. 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