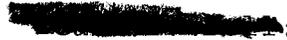




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 1103-08  
20 February 2009



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 18 February 2009. 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 August 1987 at age 17. On 9 November 1987 you received nonjudicial punishment for an unauthorized absence of about one day. On 22 September 1988 you were convicted by a summary court-martial of insubordinate conduct and assaulting a petty officer by breaking his finger. The court sentenced you to forfeitures of pay and 24 days confinement.

On 24 September 1988 you were notified of separation processing by reason of misconduct due to commission of a serious offense. At that time, you elected to waive the right to have your case heard by an administrative discharge board. The commanding officer stated in his letter recommending your discharge that you were belligerent and argumentative with petty officers and shipmates and that you had intentionally broken the petty officer's finger. After review, the separation authority directed discharge under other than honorable conditions and you were so discharged on 13 October 1988.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and contention that you have turned your life around and are a good citizen. The Board found that these factors and

contention were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct while in the Navy. 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