



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

BAN
Docket No: 01333-08
19 September 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 17 September 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.

Your initial enlistment into the Navy was on 27 February 1977, in which you received three nonjudicial punishments (NJPs) that consisted of unauthorized absence and possession of illegal drugs. In 1981, you were honorably discharged. In 1984, you reenlisted in the Navy and served without disciplinary incident until 2 November 1984, when you received an NJP for the illegal use of drugs, and another NJP on 9 September 1991, for drunk and disorderly conduct in Sasebo, Japan.

On 29 November 1991, you were delivered to the civilian authorities in Japan for trial on charges of bodily injury. On 4 December 1991, you were found guilty and returned to military authorities. In May 1992, you were recommended for separation due to your civilian conviction with an other than honorable (OTH) discharge, and an RE-4 reenlistment code. The separation

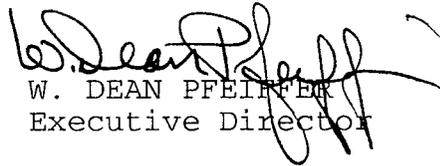
authority approved this recommendation, and on 29 May 1992, you were so discharged.

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