



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

TJR
Docket No: 2017-08
7 January 2009



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 6 January 2009. The names and votes of the members of the panel will be furnished upon request.

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 9 June 1988 and served without disciplinary incident until 27 April 1989, when you received nonjudicial punishment (NJP) for three periods of absence from your appointed place of duty.

On 10 January and again on 6 June 1991 you received NJP for underage drinking, failure to go to your appointed place of duty, failure to obey a lawful order, disobedience, missing the movement of your ship, and a 29 day period of unauthorized absence (UA).

On 7 July 1991 you were notified of pending administrative discharge action by reason of misconduct due to a pattern of misconduct. You waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 9 July 1991 your commanding officer recommended discharge under other than honorable conditions by reason of

misconduct. The discharge authority approved this recommendation and directed an other than honorable discharge and on 23 August 1991 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, awards, and desire to have your discharge upgraded for medical reasons. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Accordingly, your application has been denied.

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