



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

RDZ:ecb
Docket No. 02667-08
10 July 2008



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 1 July 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 9 January 1990 at age 18. On 18 June 1991 you received nonjudicial punishment (NJP) for three periods of unauthorized absence (UA) totaling 35 days and missing movement. You received a second NJP on 26 September 1991 for UA and disobedience of a lawful order. After your second NJP you received a written warning that any further acts of misconduct could result in administrative discharge with an other than honorable (OTH) discharge. Unfortunately you received your third and fourth NJP on 27 February and 5 April

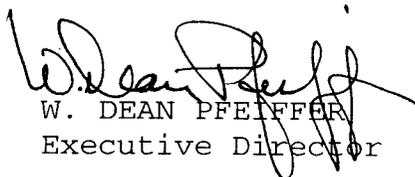
1992 for periods of UA totaling approximately seven days. Consequently you were administratively separated with a general discharge on 6 May 1992 due to a pattern of misconduct.

In its review of your application the Board considered all potential matter in extenuation and mitigation such as your youth and post service conduct. Nevertheless the Board concluded that your discharge was proper as issued and should not be changed as a matter of clemency due to the frequency of your misconduct over a relatively short period of time and which persisted even after you were warned of the consequences of such behavior. The Board also believed that you were indeed fortunate to have received a general discharge since Sailors with disciplinary records similar to yours are ordinarily issued an OTH discharge.

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