



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

BAN
Docket No: 02703-08
24 November 2008



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 20 November 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 reenlisted in the Navy on 19 August 1986, and served without disciplinary incident until 28 January 1988, when you received nonjudicial punishment (NJP) for unauthorized absence (UA).

Shortly thereafter, you received the following NJP's: on 17 August 1988, for breach of the peace, provoking speech or gesture, and disorderly conduct, and on 30 November 1988, for two specifications of general orders violations.

On 2 December 1988, you were recommended for administrative separation due to a pattern of misconduct. You waived your right to consult with legal counsel and your administrative discharge board (ADB). On 8 December 1988, the separation authority approved this request and directed an other than honorable (OTH) discharge and an RE-4 reenlistment code, and on 20 December 1988,

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 and the passage of time. The Board noted you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your RE-code or an upgrade to your characterization due to 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