



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

SJN
Docket No: 03341-08
27 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 24 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 13 April 1986 at age 20. During the period from 20 February to 11 August 1987, you received three nonjudicial punishments (NJP's) for absence from your appointed place of duty, two instances of disobedience, two instances of drunk and disorderly conduct, and assault consummated by a battery. On 3 February 1988, you were convicted by summary court-martial (SCM) of larceny of a postal money order and attempted forgery. You were sentenced to a reduction in paygrade, confinement, and suspended forfeitures.

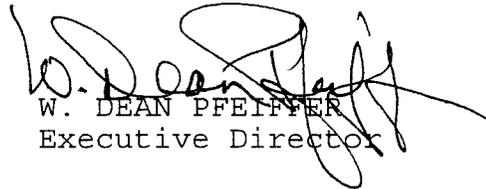
On 1 March 1988, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). You elected only to obtain copies of documents supporting the basis for separation.

On 14 March 1988, your commanding officer recommended discharge due to misconduct, with a characterization of service of under other than honorable conditions. He stated, in part, that you were given more than enough chances to conform your conduct and behavior to Navy standards, but continued to be a disciplinary and administrative burden. On 19 March 1988, the separation authority directed an other than honorable discharge by reason of misconduct. You were so discharged on 23 March 1988.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your four NJP's and conviction by SCM for serious offenses. Further, you waived the right to an ADB, your best chance for retention or a better characterization of service. 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