



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

SMS  
Docket No: 3809-08  
10 April 2009

[REDACTED]

[REDACTED]

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 8 April 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 27 December 1988, you enlisted in the Navy at age 19. On 13 April 1990, you had nonjudicial punishment (NJP) for disrespect and destruction of government property. You were also counseled regarding deficiencies in your performance and conduct, and warned that further infractions could result in disciplinary action or an other than honorable (OTH) discharge. On 30 January 1991, you had NJP for drunk and disorderly conduct. On 19 July 1991, you were counseled regarding deficiencies in your performance and conduct, and given another discharge warning. On 26 July 1991, you had NJP for an unspecified period of unauthorized absence. On that same date you were reinstated to pay grade E-3 due to being an excellent worker and highly deserving. On 27 March 1992, you had NJP for absence from your appointed place of duty.

On 27 March 1992, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct. In connection with this processing, you acknowledged that separation could result in an OTH discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 5 June 1992, the separation authority approved the recommendation and directed an OTH discharge by reason of misconduct due to a pattern of

misconduct. Based on verification of your date of discharge by the Navy Personnel Command (Pers-312D1), on 5 July 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and desire for a better discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your service due to the four NJP's. The Board also noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted that there is no record that you were ever issued a Certificate of Release or Discharge From Active Duty (DD Form 214). You may contact the National Personnel Record Center (Code 312-D2), 9700 Page Avenue, St. Louis, Missouri 63132-5100, to request issuance of a DD Form 214.

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