



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

SJN
Docket No: 03967-08
4 February 2008

Handwritten: Unit C-1 AWN
MAY 1 1988



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 24 January 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 enlisted in the Navy on 24 April 1986 at age 17. On 11 June and 16 July 1987, you received nonjudicial punishment (NJP) for a brief period of unauthorized absence (UA) and a two-day UA. Additionally, you were given an administrative counseling warning after your first NJP.

On 30 October 1987, you were convicted by civilian authorities of possession of narcotic paraphernalia. You were sentenced to one year of jail and probation. The jail time was suspended for a period of one year. On 5 November 1987, you received a third NJP for three brief periods of UA.

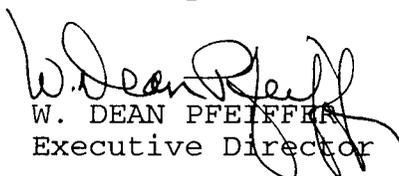
On 5 November 1987, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You waived your right to consult with counsel, submit a statement or have your case heard by an administrative discharge board (ADB).

On 4 December 1987, your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct. On 11 January 1988 the discharge authority directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 27 January 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, overall record of service, and post service accomplishments. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of three NJP's, two of which were imposed after you were counseled and warned of the consequences of further misconduct, and conviction by civil authorities for a serious offense. 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