



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

SMS
Docket No: 4080-08
26 January 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 23 January 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 16 April 1986, you enlisted in the Navy at age 24. On 11 June 1986, you admitted to experimental use of marijuana before you enlisted, acknowledged the Navy's drug policy, and were granted a waiver for submarine duty. On 18 March and 26 May 1987, you had nonjudicial punishment (NJP) for a brief instance of unauthorized absence and being incapacitated for the proper performance of your duties. On 26 May 1987, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in administrative separation. On 4 August 1987, you were convicted in civilian court of driving while intoxicated. Your sentence included a fine and confinement, which were both partially suspended, in addition to two years of probation. On 18 August 1987, you received a letter of warning regarding your misconduct in which you were informed that further infractions could result in an other than honorable (OTH) discharge. On 25 August 1987, the suspended punishment from the NJP dated 26 May 1987 was vacated and you received an oral reprimand for your failure to obey a lawful order. On 9 September 1987, you were assigned to the weight control program.

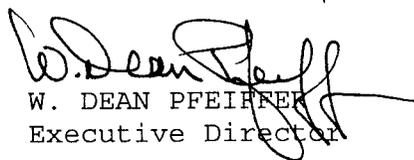
On 24 November 1987, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct,

and recommended a general discharge. In connection with this processing, you acknowledged the separation action. On 15 December 1987, you were separated with a general discharge by reason of misconduct due to a pattern of misconduct.

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 discharge due to the seriousness of your misconduct that continued even after you were warned that further infractions could result in an OTH discharge. 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.

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