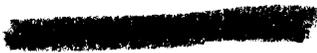
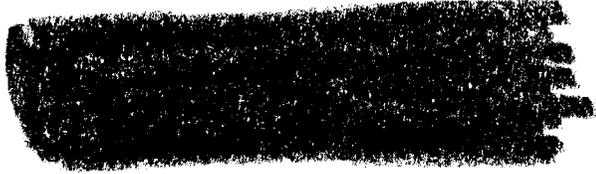




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE

Docket No. 04924-08  
16 March 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 12 March 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.

The Board found that you received nonjudicial punishment (NJP) on three occasions between 9 May 2001 and 15 May 2003, for offenses that included failing to obey a lawful order, several counts of unlawful entry, drunk and disorderly conduct, and communicating indecent language, being disrespectful to a petty officer, and two brief periods of absence without authority. You underwent a pre-separation physical assessment on 21 May 2003. You did not report any conditions you thought were disqualifying or required further evaluation or treatment, and the physician who conducted the assessment did not record any.

On 22 May 2003, you were advised of your rights in connection with your proposed discharge by reason of misconduct due to the commission of a serious offense and a pattern of misconduct. You declined to consult with counsel and waived all of your rights. You were separated from the Navy on 23 May 2003 by reason of misconduct-commission of a serious offense, with a discharge under other than honorable conditions. You were assigned a reentry code of RE-4 as required by governing directives.

The Board was not persuaded that the misconduct which resulted in your discharge was caused by or related to the side-effects of the medications you were taking for excessive sweating. In addition, you have not demonstrated that you were unfit for service by reason of physical disability. 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