



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

CRS
Docket No: 6945-08
26 August 2008



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

The Board found that you reenlisted in the Navy on 16 July 2004 after prior active service in the Army and Navy. On 1 December 2006 you had surgery and were placed on convalescent leave for 21 days. On 15 December 2006 you received nonjudicial punishment for an unauthorized absence and willful disobedience of a lawful order. The punishment consisted of a forfeiture of \$250 and restriction for 11 days. On 26 December 2006 you were detached from the USS San Jacinto with orders to report for duty to the USS Kaufman.

The Board found no merit in your contention that the nonjudicial punishment was unjust because you believed that you were detached from the USS San Jacinto prior to having surgery and that you had allegedly received permission from the commanding officer of the USS Kaufman to have the surgery. There is no evidence in your record that you officially departed the San Jacinto prior to your surgery. The Board concluded that your commanding officer acted reasonably in your case, and that he was in the best position to resolve the factual issues and to impose appropriate punishment. There is no credible evidence that you did not commit the charged offenses. 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