



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

BJG
Docket No: 8590-08
21 May 2009

[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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 May 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 and health records, applicable statutes, regulations and policies.

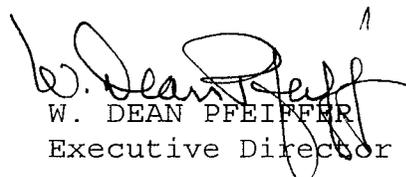
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 24 September 1983. On 19 May 1983, you received nonjudicial punishment (NJP) for willfully disobeying a lawful order. On 20 August 1983, you received NJP for unauthorized absence (UA), failure to go to your appointed place of duty, and failure to obey a lawful order. On 15 September 1983, you received NJP for failure to obey a lawful order. On 21 March 84, you were referred to a special court-martial for conspiracy, disrespect, and assault. On 3 August 1984, you were counseled regarding UA and disobeying lawful

orders, and warned that further misconduct could result in disciplinary action or administrative separation. On 23 August 1984, you received NJP for disobeying a lawful order and disorderly conduct. On 13 September 1984, you received NJP for communicating a threat. On 14 September 1984, your commanding officer (CO) informed you that he was recommending that you be administratively separated with an other than honorable (OTH) discharge for frequent involvement of a discreditable nature with military authorities. You waived all of your procedural rights, including your right to present your case to an administrative discharge board (ADB). On 8 November 1984, you received an adverse performance evaluation. Your CO's recommendation was approved, and on 3 December 1984, you received an OTH discharge for frequent involvement of a discreditable nature with military authorities, and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully considered all potential mitigation, such as your youth and current medical condition. However, the Board concluded that these factors were not sufficient to warrant recharacterizing your OTH discharge because of your commission of very serious and repetitive misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. In view of the above, 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