



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

BJG
Docket No: 8760-08
25 June 2009

[REDACTED]

Dear [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 24 June 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 medical records, 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 entered active duty in the Navy on 11 September 1989. You received nonjudicial punishment (NJP) on two occasions for two instances of failure to obey a lawful order or regulation (wrongful possession of drug paraphernalia and government property), larceny and wrongful appropriation (six specifications of possession of government property). After your first NJP, you were counseled and warned that further misconduct could result in administrative separation and an other than honorable (OTH) discharge. On 16 December 1991, you were notified of pending administrative separation processing for an OTH discharge due

to misconduct for commission of a serious offense (COSO), and an RE-4 reenlistment code. You waived your right to an administrative discharge board (ADB). On 3 January 1992, the separation authority approved your commanding officer's recommendation that you receive an OTH discharge for misconduct due to COSO, and the assignment of an RE-4 reenlistment code. You were so discharged on 13 January 1992.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth and desire to continue your education. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your OTH discharge because of your serious and numerous acts of 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