



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

CRS
Docket No: 9128-08
28 October 2008

[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 16 October 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 began a period active duty in the Navy Reserve on 10 August 2007. On 30 September and 1 October 2007, you refused to board an aircraft and thereby missed the deployment of your unit to Kuwait. You apparently advised your commander that you did not want to remain on active duty or undergo medical or psychiatric evaluation.

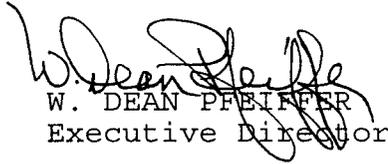
On 10 October 2007, your commanding officer recommended that you be discharged by reason of misconduct due to the commission of a serious offense. After being informed of the recommendation, you declined to consult with counsel and waived your right to appear before an administrative separation board. On 17 October 2007, you were separated from the Navy Reserve by reason of misconduct with a general discharge, in accordance with the approved recommendation of your commanding officer.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, good overall service, and the contention that you suffered from headaches that prevented you from boarding the aircraft as ordered. The Board concluded that those factors are insufficient to warrant your reinstatement in the Navy Reserve. 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