



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

RDZ:ecb
Docket No. 09402-08
11 August 2009

[REDACTED]

[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 4 August 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.

You enlisted in the Navy on 11 May 1993 and served in a commendable manner until 25 August 1998 when you were convicted by special court-martial of making a false official statement, issuing checks without sufficient funds and six instances of failure to pay just debts. In view of the serious nature of these charges and the frequency with which you engaged in them the court sentenced you to be confined at hard labor for five months, forfeiture of pay, reduction in rank and a bad conduct discharge (BCD). In his review of your conviction the convening authority disapproved the BCD and instead allowed you to be

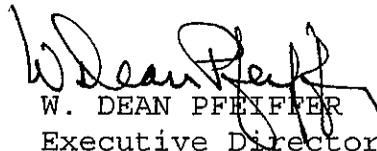
administratively separated with an other than honorable discharge (OTH). He also reduced your period of confinement. The convening authority's actions were in the nature of clemency and were based on your prior record of commendable service.

The Board in its review of your application carefully took into account your current and serious health problems but concluded that in view of the frequent and serious nature of your offenses your discharge was proper as issued and further, you received sufficient clemency by the convening authority when he substantially lessened the sentence imposed by the court-martial.

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