



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

SJN  
Docket No: 09637-08  
14 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 11 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 12 November 1987 at age 18. On 17 September 1988 and 6 May 1989, you received nonjudicial punishment (NJP) for three periods of unauthorized absence (UA) totaling 19 days. On 11 December 1989, you were convicted by special court-martial (SPCM) of 111 days of UA. You were sentenced to confinement at hard labor, a forfeiture of pay, and a reduction in paygrade. On 29 March 1990, you were released from confinement and restored to full duty.

On 10 April 1990, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). You elected only to obtain copies of documents supporting the basis for separation.

On 1 May 1990, your commanding officer recommended discharge by reason of misconduct, with a characterization of service of under other than honorable conditions. On 5 June 1990, the discharge authority directed an other than honorable discharge by reason of misconduct. You were so discharged on 15 June 1990.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's and conviction by SPCM for a lengthy period of UA. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

With regard to corrections to your Certificate of Release or Discharge from Active Duty (DD Form 214), it is recommended that you direct your request to: Commander, Naval Military Personnel Command (Code 312), 5720 Integrity Drive, Millington, Tennessee 38055-3120.

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