



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

TJR
Docket No: 9683-08
13 August 2009

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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. The names and votes of the members of the panel will be furnished upon request. 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 on 19 October 1994 at age 23 and served without disciplinary incident until 31 May 1995, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty and failure to obey a lawful order. About six months later, on 5 and 30 November 1995, you received NJP for wrongful solicitation with indecent exposure and five periods of failure to go to your appointed place of duty.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After consulting with legal counsel you elected your right to present your case to an administrative discharge board (ADB). On 19 December 1995 an ADB recommended discharge under honorable conditions by reason of misconduct due to commission of a serious offense. On 21 January 1996 your commanding officer also recommended discharge under honorable

conditions by reason of misconduct. On 7 March 1996 the discharge authority approved the foregoing recommendations and directed your commanding officer to issue you a general discharge by reason of misconduct, and on 25 March 1996, you were so discharged and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your narrative reason for separation and reenlistment code so that you may reenlist. It also considered your letter of explanation. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your narrative reason for separation or reenlistment code because of the seriousness of your misconduct which resulted in three NJPs. Accordingly, your application has been denied.

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