

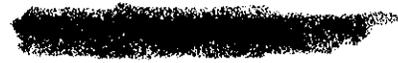


DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG

Docket No: 10039-08

23 July 2009



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 22 July 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.

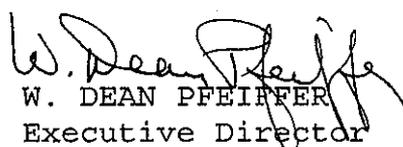
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 1 August 1988. You received nonjudicial punishment on three occasions for three instances of unauthorized absence, assault or willfully disobeying a superior commissioned officer, failure to obey a lawful order, and disobeying a lawful order. On 17 August 1989, you were notified that your commanding officer was recommending you for administrative separation processing with an other than honorable (OTH) discharge for misconduct due to commission of a serious offense. You waived your right to an administrative discharge board (ADB). The separation authority approved your

commanding officer's recommendation. On 22 September 1989, you received an adverse performance evaluation, the OTH discharge for misconduct due to commission of a serious offense, and an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth, character reference, desire for veterans' benefits, and post service good conduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your OTH discharge because of your 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