



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

BJG
Docket No: 10074-08
29 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 28 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 had prior honorable service in the Navy from 1983 until 1986. You reenlisted on 18 June 1986. You received nonjudicial punishment (NJP) for wearing an improper uniform, failure to maintain sufficient funds in your checking account, and failure to go to your appointed place of duty. On 22 December 1987, you were counseled regarding failure to pay just debts. On 4 January 1988, you were convicted by a civilian court for credit card fraud. On 8 January 1988, punishment from your previous NJP was vacated due to another instance of failure to maintain sufficient funds in your checking account. On

16 February 1988, you were notified that you were being considered for an other than honorable (OTH) discharge for minor disciplinary infractions. You waived your right to an administrative discharge board (ADB). In 19 February 1988, your commanding officer recommended you for an OTH discharge due to minor disciplinary infractions, and an RE-4 reenlistment code. On 26 February 1988, you were so discharged.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth, prior honorable service, remorse, and post service good conduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant upgrading your OTH discharge because of your misconduct. The Board noted 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