



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

BAN
Docket No: 10811-08
30 September 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 16 September 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 on 13 April 1983, and served without disciplinary incident until 24 February 1986, when you received nonjudicial punishment (NJP) for being disrespectful in language toward a corporal, and communicating a threat. You appealed the NJP, but it was denied. Additionally, on 26 October 1987, you were counseled on your substandard performance.

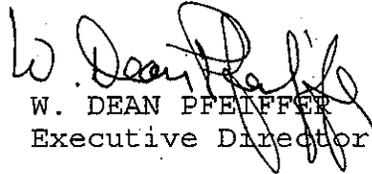
Shortly thereafter, you received the following NJP's: on 28 October 1987, for assault and disorderly conduct; on 24 February 1988, for willfully disobeying a commissioned officer and five specifications of failing to pay just debts; and on 15 August 1988, for disobeying a lawful order. On 12 September 1988, you were recommended for administrative separation due to a pattern of misconduct, and you exercised your right to request an administrative discharge board (ADB). The ADB voted to

administratively separate you with a general discharge. The separation authority approved the recommendation and on 19 December 1988, you were separated with a general discharge and 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 youth. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct. 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