



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

RDZ:ecb
Docket No. 00060-08
18 April 2008



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 15 April 2008. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 17 August 1999 at age 20. On 26 June 2000 you received non-judicial punishment for being insubordinate to a superior and failure to obey a lawful order. Less than one month later you were found guilty by summary court-martial of one instance of failure to go to your appointed place of duty, three instances of being disrespectful to a petty officer and two instances of disobedience of orders.

Based on your disciplinary record you were informed that you would be administratively processed for discharge and could

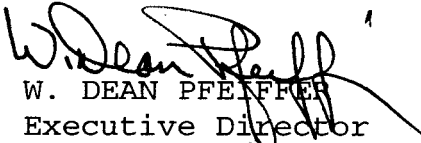
receive a discharge under other than honorable conditions (OTH). You then waived your right to appear before an administrative discharge board (ADB) where you could request retention or a better discharge. As a result you received an OTH discharge on 17 August 2001.

In view of your extensive record of misconduct, occurring in a relatively short period of time, as well as your waiver to an ADB the Board concluded your discharge was proper and should not be changed.

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