



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

TRG  
Docket No: 1092-08  
26 November 2008

[REDACTED]

[REDACTED]

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 25 November 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 Reserve on 28 August 1989 at age 19 with a three year active duty obligation. You reported to active duty on 30 August 1989. During the period from 9 February 1990 to 12 November 1991, you received nonjudicial punishment on at least four occasions. Your offenses were several absences from your appointed place of duty, disobedience, disrespect, assault, disorderly conduct and indecent exposure.

Based on the foregoing record of misconduct, you were processed for an administrative discharge. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. After review, the separation authority directed discharge under other than honorable conditions and you were so discharged on 5 December 1991.

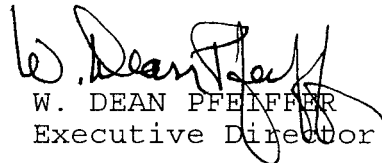
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contentions, in effect, that you were not guilty of the assault and indecent exposure charges and that you waived your right to contest the discharge because you were intimidated by your superiors. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your

discharge given your record of four disciplinary actions for multiple offenses. The Board concluded that the discharge was proper as issued and no change is warranted.

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