



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

BAN  
Docket No: 01375-08  
23 September 2008

[REDACTED]

[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 23 September 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy in July 1986 and served without disciplinary incident until 10 September 1987, when you received nonjudicial punishment (NJP) for assault.

Shortly thereafter, you received the following disciplinary actions: on 25 September 1987, NJP for the illegal use of drugs, possession of cocaine, larceny, attempt to distribute cocaine, and conspiracy to steal, and on 3 November 1987, NJP for destruction of government property and larceny.

On 27 November 1987, you were notified of your processing for administrative separation due to your misconduct. You were advised of your rights and elected not to consult with counsel. On 30 November 1987, you were recommended for an other than honorable (OTH) discharge. On 4 December 1987, the separation

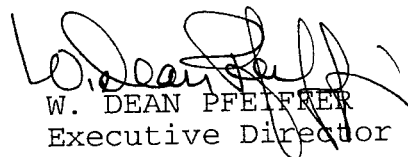
authority approved these recommendations and directed an OTH discharge with an RE-4 reenlistment code, and on 18 December 1987, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness 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