



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

CRS  
Docket No: 3385-08  
8 June 2009

[REDACTED]

Dear [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 3 June 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 26 June 1987 after more than nine years of prior active service. On 5 September 2000 you received nonjudicial punishment for an attempt to fraternize and failure to obey a lawful order. The punishment consisted of forfeiture of \$500.00 per month for two months. On 31 March 2002 you were transferred to the Fleet Reserve.


The Board concluded that your commanding officer acted reasonably in your case, and that he was in the best position to resolve the factual issues and to impose appropriate nonjudicial punishment. The Board could not find any credible evidence in your application or record which establishes that you did not commit the charged offenses. In addition, there is no indication in your record that you submitted an appeal of the nonjudicial punishment or a related Article 138 complaint. ~~The Board did not accept~~ your unsubstantiated contentions to the effect that you were improperly denied consideration for appointment to chief warrant officer, that you were promoted to senior chief petty officer, and/or that your name was improperly removed from the E-8 promotion list on an unspecified date.

In view of the foregoing, 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