



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

TRG
Docket No: 207-09
4 March 2009

[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 18 February 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.

You enlisted in the Navy on 13 May 1988 at age 20 and served without incident for over two years. On 14 November 1990 you were convicted by a special court-martial of the theft of airline tickets and a computer of a total value of about \$2414. The court sentenced you to confinement at hard labor for 99 days, forfeitures of pay and a reduction to paygrade E-1.

On 8 February 1990 you were notified of separation processing by reason of misconduct due to commission of a serious offense. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. After review, the discharge authority approved the recommendation of your commanding officer and directed discharge under other than honorable conditions. You were so discharged on 22 March 1991.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that you have been a good citizen for many years. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your conviction by court-martial of a serious offense. 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