



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

REC
Docket No: 00604-09
24 November 2009

[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 24 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board substantially concurred with the comments contained in the advisory opinion.

You reenlisted in the Navy on 7 May 1985, after five years of prior honorable service. On 14 November 1987, you received nonjudicial punishment (NJP) for being in a unauthorized absence (UA) status. On 4 December 1987, you were counseled concerning your tardiness in reporting to work. On 16 February 1988, you received NJP for dereliction of duty and being drunk on duty. On 29 September and 16 November 1988, you received NJP for additional periods of UA. On 17 November 1988, you were notified that administrative discharge procedures were initiated and that you would receive a reenlistment code of RE-4 for your pattern of misconduct upon your separation. On 29 January 1989, the discharge authority directed an under honorable conditions discharge by reason of misconduct. You were so discharged on 10 February 1989.

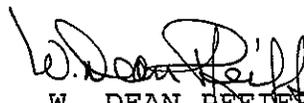
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board found that these factors were not sufficient to warrant any change in your RE-4

reenlistment code or character of service, given your record of one four NJP's for misconduct. The Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is found to have committed misconduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believed that you may be eligible for veterans' benefits that accrued during your first two periods of service. Whether or not you are eligible for benefits based on either period of service is a matter under the cognizance of the Department of Veterans Affairs (DVA). If you have been denied benefits, you should appeal that denial under procedures established by the DVA.

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