



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

TAL  
Docket No: 00819-09  
20 November 2009

[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 12 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.

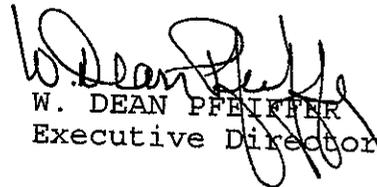
You enlisted in the Navy and began a period of active duty on 26 December 1995 at age 26. On 9 June 1998, you received nonjudicial punishment (NJP) for insubordinate conduct and failure to obey an order. On 11 June 1998, you were counseled and warned that further misconduct could result in administrative discharge action. On 19 February 1999, you received NJP for three instances of insubordinate conduct. Based on the information currently contained in your record it appears that you were subsequently processed for separation by reason of misconduct due to a pattern of misconduct. In connection with this processing, you would have acknowledged the separation action and the discharge authority would have approved a recommendation for separation. The record clearly shows that on 26 March 1999, you were discharged with a general discharge under honorable conditions by reason of misconduct due to a pattern of misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, character reference letters, and post service

accomplishments. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct, and that you were counseled and warned concerning the consequences of further misconduct prior to committing further offense. The Board found that you were fortunate to have received a general discharge, since many individuals who are separated for misconduct are separated under other than honorable conditions. 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