



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

JRE  
Docket No. 00868-09  
11 March 2009



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 20 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.

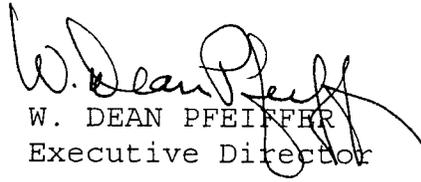
The Board found that you enlisted in the Navy on 23 June 1989. You underwent a pre-separation physical examination on 21 August 1991, and were found physically qualified for separation. On 22 October 1991 you were discharged under other than honorable conditions by reason of misconduct/pattern of misconduct, based on three instances of nonjudicial punishment for offenses that included a 54 day period of unauthorized absence (UA), missing ship's movement, absence from appointed place of duty, and a two-day period of UA.

The Board could not find any indication in the available records that you were unfit for duty by reason of physical disability on

22 October 1991. It noted that even if you had been unfit for duty on that date, you would not have been entitled to separation or retirement by reason of physical disability, because your separation by reason of misconduct would have taken precedence over disability processing. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge to general or honorable, 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