



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

CRS  
Docket No: 2638-09  
6 July 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 24 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 enlisted in the Navy on 30 July 2001. You received nonjudicial punishment on two occasions for offenses that included willful disobedience of a lawful order and failure to obey a lawful order. On 21 November 2004 you were separated from the Navy under honorable conditions by reason of parenthood or custody of minor children. The discharge processing documents were not among the records available to the Board.

The Board was not persuaded that your discharge was inequitable, improper or inconsistent with the policies and traditions of the service. It concluded that your service was properly characterized as under honorable conditions in view of your two nonjudicial punishments. The Board concluded further that you have not demonstrated that it would be in the interest of justice for it to upgrade your discharge or to change the reason or authority therefor. 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

Copy to: Disabled American Veterans