



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

TAL
Docket No: 02957-09
8 January 2010

[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 16 December 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.

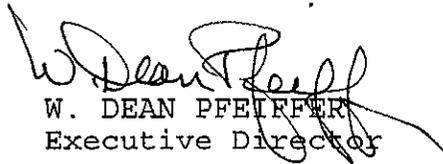
You enlisted in the Navy and began a period of active duty on 23 July 1992 at the age 19. On 5 May 1993, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit. On 9 July 1993, you received NJP for dereliction of duty and disrespect to a senior petty officer. On 21 July 1993, you received NJP for two instances of UA from your appointed place of duty and failure to obey a lawful order. On 20 July 1993, administrative discharge action was initiated to separate you by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 21 July 1993, your commanding officer forwarded his recommendation that you be discharged under other than honorable (OTH) conditions due to misconduct. On 28 July 1993, the separation authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 3 August 1993 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and

overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. The Board noted that you were counseled and warned concerning the consequences of further misconduct. The Board also noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. Finally, concerning your alleged alcohol problem, there is no indication in the record that such problem, if it existed at the time of your service, was so serious as to mitigate your actions or warrant recharacterization of your discharge. 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