



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

BJG
Docket No: 3801-09
6 July 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 1 July 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 and medical records, and applicable statutes, regulations and policies.

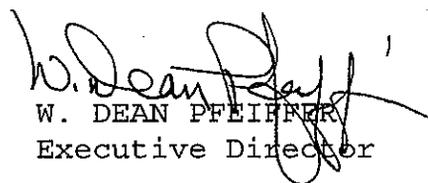
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 10 October 1984. You received nonjudicial punishment on two occasions for unauthorized absence (UA), failure to obey a lawful written order, wrongful disposition, absence from your appointed place of duty, and wrongfully disobeying the order of a petty officer. On 26 February 1987, you received a summary court-martial for UA, missing movement, and failure to pay a just debt. On 10 April 1987, you were notified of your commanding officer's (CO's) recommendation that you receive administrative separation processing for an other than honorable (OTH) discharge for misconduct due to a

pattern of misconduct. You waived your right to an administrative discharge board (ADB). On 22 May 1987, the separation authority approved your CO's recommendation. On 5 June 1987, you received the OTH discharge for misconduct due to a pattern of misconduct, and an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth and current desire to serve your country. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your OTH discharge or reenlistment code because of your serious and numerous acts of misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. In view of the above, 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:
The Honorable 