



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

CRS
Docket No: 6156-09
27 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 15 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 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 16 February 1999. On 10 June 1999 you received nonjudicial punishment for an unauthorized absence. You received a second nonjudicial punishment on 30 July 1999 for an unauthorized absence from 14 June to 20 July 1999, a total of 36 days.

On 20 August 1999 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense. After being informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. The recommendation was approved by the separation authority, and you were separated from the Navy with a discharge under other than honorable conditions on 1 September 1999.

The Board did not accept your unsubstantiated contention to the effect that your second nonjudicial punishment is incorrect as you returned after 29 days of unauthorized absence, rather than 36 days. It concluded that your service was properly characterized as under other than honorable conditions in view of your two periods of unauthorized absence. 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 therefore. 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